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NEW SOUTH WALES

PLANNING ASSESSMENT COMMISSION

RECORD OF MEETING

MS D. LEESON, Chair

LOCATION: **THE MERCURE NEWCASTLE AIRPORT
2 WILLIAMTOWN DRIVE
WILLIAMTOWN, NEW SOUTH WALES**

DATE: **12.31 PM, MONDAY, 12 MARCH 2018**

MS LEESON: Good afternoon, everybody. Good afternoon. My name is Diane Leeson. I'm one of the commissioners. I'm chair of this afternoon's meeting. I would like to, before I begin, acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders, past and present,
5 and the elders from other communities who may be here today.

A couple of housekeeping things, if we can. I would like to advise everybody that there are representatives from the applicant in the room this afternoon who are here just to listen and understand the issues that may be raised. We also have the media in attendance this afternoon. So if anyone who is registered to speak doesn't feel
10 comfortable to speak with media running, they have agreed that they will leave the room for that presentation. So if you could let me know. And if, when people do stand to speak, if they could actually give their name for the record. This afternoon's meeting is being recorded, which is part of the new system for the Independent
15 Planning Commission, and there will be a transcript of the meeting.

Now, there are quite a few people more in the room than we had registered to speak, so some of you may just be here out of interest and concern. Some of you might not have had the opportunity to register and would like to speak. Can I just get an
20 indication if there are people in that category, because, if there are, then we will sort of try and make accommodation for you to speak if you can get registered.

MR: I will have a go.

25 MS LEESON: You will have a go? All right. We like someone to have a go. If you would like to perhaps speak to David. David will get your details and we will add you to the list. No. Sorry. David is chasing you around. Okay. So I do have quite a bit of formality to get through before we get to our first speaker. So if you will bear with me, I will read from a script which will outline how we work this
30 afternoon.

So welcome to this public meeting regarding a development application from the Williamstown Sand Syndicate, the applicant, seeking to develop and operate a sand quarry on four lots on Cabbage Tree Road, Williamstown. The proposed quarry
35 would operate for up to 15 years, extracting 530,000 tonnes per annum of sand and transporting the sand by truck to local and regional markets. This meeting may be structured differently from other public and community meetings which have been held in the area, with registered speakers providing their views directly to the Commission regarding a proposed sand quarry. Importantly, the holding of this
40 public meeting by the Independent Planning Commission does not impact or remove any legal rights for community members. So we think that's quite clear for the community to understand this afternoon.

45 As I said, my name is Diane Leeson and I'm chairing this Independent Planning Commission panel appointed to determine the proposal. Joining me on this panel are my fellow commissioners, Mr Peter Cochrane and Mr Peter Duncan, and we are

assisted today by David Mooney and David Way from the Commission secretariat. So we have the Davids and we have the Peters.

5 Before I continue, I should say that all appointed commissioners must make an annual statement of interests that may conflict with their appointed roles. For the record, we are not aware of any conflicts in relation to our determination of this development application, and you can find additional information on the way potential conflicts are managed in the Commission's policy paper which is available on the Commission's website. The chair of the Commission, Professor Mary
10 O'Kane has identified a potential perceived conflict of interest and stepped aside from the project and, on 15 February 2018, the Minister for Planning directed that Ms Abigail Goldberg determine the members of the panel to consider this project.

15 So this public meeting is an opportunity for this panel to hear your views on the assessment report prepared by the Department of Planning and Environment before we determine the application. From 1 March, the Independent Planning Commission was established as a separate New South Wales Government agency and consent authority for state-significant development, where there is substantial community objection. These arrangements supersede the arrangement for the former Planning
20 Assessment Commission which operated under ministerial delegation. The Commission is an independent body made up of individually-appointed commissioners. While we have been appointed by the Minister for Planning, we are in no way under the Minister's direction or influence, nor the direction or influence of the Department of Planning and Environment or any other agency or department
25 of the New South Wales Government.

We were not involved in the department's assessment of the project or the preparation of the department's report or of any of the findings in it. This meeting is one part of our decision-making. We have also been briefed by the department and
30 we have met with the New South Wales Environment Protection Authority, the New South Wales Office of the Chief Scientist and Engineer, the applicant, the Port Stephens Council and we have visited the site. We may convene further meetings with relevant stakeholders after today's meeting if we require clarification or additional information on matters that you might raise. The records of all meetings
35 will be included in our determination report, which will be made publicly available on the Commission's website. Following today's meeting, we will endeavour to determine the development application as soon as practicable. However, there may be delays if we find the need for additional information to assist our consideration of relevant issues.

40 So we have some ground rules for today, and before we hear from the first registered speaker, I would like to set out a number of courtesies that everyone present should follow. Firstly, this meeting is not a debate. The panel will not take questions from the floor and no interjections will be allowed. The aim is to provide maximum
45 opportunity for speakers to speak and be heard by the panel. For many people, public speaking is an ordeal. Many things said today will not be agreed with

necessarily by all present, but each speaker has the right to be heard in silence and to be treated with respect and courtesy.

5 The focus of today is public consultation. The panel is here to listen and not to
provide comment. We may ask questions for clarification but usually this is not
necessary. We will get most benefit if you focus your presentation on the issues of
concern to you. It is important that everyone who has registered to speak gets a fair
share of time. As chair, I will enforce the timekeeping rules, which are five minutes
10 for individuals and 15 minutes for organisations. A warning bell will sound one
minute before the speaker's allotted time is up and again when it has run out. Please
respect these times limits so that all registered speakers get a fair share.

15 We will endeavour to stick by our schedule of speakers today, but some speakers
don't necessarily turn up or, on the day, feel disinclined to speak. If you know that
someone will not be attending, please advise either David or David. If you have
something that you want projected on the screen, please give it to David prior to your
presentation. If you have a copy of your presentation, please also hand it to the
secretariat after you speak. You should note that any information that you give us
20 may be made public. The Commission's privacy statement governs how we handle
your information and you may ask for a copy from the secretariat or download it
from the Commission's website.

25 From 1 March, the Commission is legally required to take an audio-recording and
publish a written transcript of public meetings. This meeting will be audio-recorded
with a written transcript published on the Commission's website. Personal
information will be managed in accordance with the Commission's privacy statement
which are available from either Davids or on the Commission's website. I will ask
you to speak your name prior to speaking so that we have the record accurate. If you
30 have any questions regarding this process, please refer to the Commission's privacy
policy.

35 And, finally, I would like everyone to switch off their mobile phones or switch them
to silent whilst you're in the meeting, and I will now call the first speaker, and if I
can have those speakers come – sorry, if I could have speakers come to the lectern
and announce their name, that will be fine. So Kate Washington is our first speaker.

MS WASHINGTON MP: Good afternoon. Right. I'm pressing my timer because I
feel like I'm in Parliament then a bit, so I know what my clock is on.
Commissioners, thank you for coming here. Thank you for coming here to listen to
40 the community and to hear their views on this development application. Thank you
for giving me the opportunity to speak. I apologise for my side view because, when
we're making submissions here, our submissions are to the Commissioners, and I've
got to say I also want to thank everybody who is going to be making submissions
today because I know how nerve-racking it can be and, if it makes you feel any
45 better, I feel very nervous myself today because I feel a great weight of responsibility
to do justice to this situation and to the community because I know there's a lot
riding on it. So I'm just sharing a bit too much, as I usually do.

So I'm Kate Washington. I am the Shadow Minister for the Hunter. I'm the Shadow Minister for Early Childhood Education. I'm the Shadow Minister for Disability Services and I'm acting in that role. But my most important role is as the Member for Port Stephens. Now, I was elected in 2015 into this role. I've also lived in this area since 2006. So I've been a resident and a part of this community for not nearly as many as other people that are in the room – as long as other people in the room, but I've been privy to what has been happening outside of my role as well and been following that as a resident.

10 I'm also not an expert on any of the matters really that are in the report. I'm not a planning expert. I'm not an expert on dust or radiation or PFAS, or anything like that, and I suspect that there's hardly anyone in this room that is, which I just say that because I feel like we start from a place of disadvantage as a community. We don't have the resources to have an expert to prepare a report independent of this assessment process and, really, we come to this with our experience only and our knowledge of the area and the understanding of the impact that this will have, perhaps not at the scientific level that is outlined in many of the reports, but more – to use a bit of an overused term at the moment, but more from a lived experience perspective.

20 So today I'm going to just run through some of my comments on the environmental assessment report, then I will end with some broader comments on the situation that we find ourselves in. And, firstly, I would just like to turn to page 1 in the executive summary of the assessment report, where it says from the very beginning that this – in relation to the Williamstown Sand Syndicate receiving the tender from Port Stephens Council. Now, I take issue with that because it's not true, because Williamstown Sand Syndicate wasn't the preferred tenderer in a council tender process. Castle Quarry Products was the preferred tenderer. So to start reading a report prepared by presumably lots of people that are paid well, and to start with a statement that is blatantly inaccurate is, for me, the beginning of a lot of doubt and question being cast on this report.

35 So the facts are that council started a tender process and they awarded it to Castle Quarry Products against the advice of council staff at the time and it went to Castle Quarry Products, and I understand that this is not relevant for the purposes of your determination against the objects of the Environmental Planning and Assessment Act, but I am recounting this in brief terms because it goes to the inaccuracy in this report and also the background on which we are all here today. Because most of us in the room don't think we should be here at all because of the process that led us to this point, and that process saw the then mayor of Port Stephens Council putting in his own tender for the job and withdrawing it on the day that council was deciding it, and then making sure that he was in the room so that the tender wasn't awarded to the company that was identified by council staff as the preferred tenderer. Now, this is not something I'm making up. It's something that he has put – the former mayor has put on the record himself.

So the process at the start was smelly, to say the least, and then what underlines all this is that Williamtown Sand Syndicate were never part of a tender process. Castle Quarry Products were awarded that tender and then they wrote a letter to council and asked can it be transferred to another entity, and council have transferred it without
5 any transparency, without any further tender process. And so, as a result of that, we now have a company that hasn't undergone the rigour that would be involved in the tender process which would see that company having the expertise, the financial ability to follow through on anything, and when we are talking about the risks associated with this site, I think that that is really something that's relevant. Because
10 when we look at the enormous sensitivities on the site which are apparent in the report, that, you know, when we're talking about PFAS-contaminated land, threatened species, legacy radiation issues, dust management, truck movements, noise and vibrations, when we are talking about the management of all that, it is going to require an expertise in this, and we have no idea who these people are.

15 And it goes – this is also relevant in terms of the directions and the conditions that have been proposed, specifically Hunter Water, around not extracting closer than .7 metres above the water table. That's 70 centimetres, and we're talking about a water table that we know is contaminated. So there is – and then we're also talking about
20 hidden trenches of radioactive material that hasn't necessarily been able to be properly identified where they are. So there is a requirement for expertise and, as I say, who knows if Williamtown Sand Syndicate has that.

Turning to page 14 of the EAS, so environmental assessment report, I appreciate that
25 the key considerations of the department have been the health, safety and wellbeing of residents, and then the list of primary concerns relating to that question is worth repeating. The department considers that the primary public health and safety concerns that are relevant to this project are: PFAS contamination, flooding, radiation from processed mineral sand tailings, the safe operation of trucks entering
30 and exiting the quarry site, protection of Hunter Water Corporation's groundwater, drinking water supplies and the potential for harm from airborne silica. That's a significant list, and I think it's a list that certainly is a cause for concern for many of us in the community, but particularly around the proponents and whether or not they have the capacity to manage those. And I appreciate that there are conditions that
35 will be imposed, but we've seen time and time again conditions around this area, as far as sand mine operations go, continually ignored.

Then, going to page 18, where it says that the key – I have some comfort that the key
40 question for the department and the Commission is whether the lack of certainty in public health information and ongoing nature of the Commonwealth's epidemiological study is critical to determining the development application for this quarry proposal. I think that's a question that's worth – it's a very important question. But, as to whether that has been answered correctly, that's where I have
45 real concerns, because what this report then goes to is the science of it all, and which, of course, has a significant role in this.

But when we talk about the actual lived experience of people in this area, the stress and the conditions that they're currently living in, and imposing this proposal on top of that, I believe, is creating a high risk for mental health issues that are already prevalent in this community as a result of the PFAS contamination. This will go to compound those issues only. And, largely, those issues relate to the uncertainty of what this PFAS contamination will do, and for those reasons I believe that that uncertainty also feeds into a lot of the information in this report – or, perhaps it doesn't feed into it enough because the agencies that have fed into the information – provided the information to the department so they could respond are the same agencies that we've been dealing with here for almost three years.

And, to be honest, from our perspective, they seem to make it up as they go, because we have had changing boundaries. We've had changing assessments and a lack of understanding of what actually happens literally on the ground here and a lack of interest in hearing it as well. So I have very – there seems to be a lot of certainties put into this report, but it is the very uncertainty of the nature of this contaminant that continues to feed into the deep concern in the community and it continues – and I believe it should be a major factor in the Commission not supporting this proposal.

And perhaps as an example of that, on page 27 of the report it refers to – in a discussion about the contamination pathways, it talks about whether members of the Williamstown community could have avoided – well, if they have avoided exposure to contaminated groundwater and surface water and local produce subject to exposure and still had elevated levels, then it is difficult to identify what might be the dominant exposure pathway, and pointing to the fact that it could be domestic use and everything. It ignores the fact that this is decades of contamination here. People have only been told about this in the last three years, and that was the only reason why they might have stopped using their bore water and drinking it.

I just find some of these – the statements in here reflect largely what we hear every day when we go to meetings about this stuff, and it's largely very disrespectful to the community. Now, I'm conscious of my time. I question the koala data findings. I question a department providing information that has generally showed very little interest in the protection of koalas broadly. I question the assessment of impact of trucks on the community living in the area because it has been averaged out in the time from 7 am to 10 pm on a rural road. So there is hardly any cars travelling on the road after – you know, I would say after 7 pm. So to put in a time when there's hardly any traffic just beggars belief.

I question significantly the comment holding out ██████████ as the leading light on managing truck movement. Good lord. You only need to Google and find Newcastle held reports, 1000 illegal truck movements were found, and that was over – there was 300 broken conditions that led to a slap on the wrist – a slap on the wrist of fine that was nowhere near a reflection of the amount of money that they made on the back of it. So that, you know, to see that in this report just, again, really undermines the validity of the report in the first place.

Broadly, I know that your task is to weigh up the merits of the project against the broader objectives of the Act. My main argument is that this situation is unique, and not in a positive way. It's a unique situation that I do not believe should allow anybody to be approving development of this nature on this site at a time like this.

5 At the very least – at the very least – I would be asking that the process be suspended until at least the epidemiological study is completed and there's a greater understanding and until at least there is an understanding from this community whether or not they can get a buy-out of their properties, because, unlike any other development in this area, no one can move away if they don't like this project and
10 it's approved.

MS LEESON: Thank you, Kate. We will now turn to the next speaker, if they can come forward, Des Maslen. If you can state your name for the - - -

15 MR MASLEN: Yes. Des Maslen. As Kate said, yes, it's quite nerve-wracking. I've done a little bit of public speaking recently and I'm packing. Seriously, this is our lives and it's – yes, it's very, very difficult to come here in a very composed manner, but I've written this out. I'm just going to read what I've written out because if I try just talking off the cuff like I normally do, I would probably lose it,
20 because it's very, very important - - -

MS LEESON: Sorry to interrupt, Des.

MR MASLEN: Yes.
25

MS LEESON: But are you comfortable to have the media filming this?

MR MASLEN: Yes, yes. No, that's okay. I'm opposed to this sand mine and I'm opposed to this sand mine on many different levels, not just because it will devalue my already near worthless contaminated property two doors up, not just because it
30 will lead to an untenable situation for myself and my parents who live just along the road, along with all my other friends and neighbours, my mother, in particular has many times had to drive past her own driveway for fear of being run up the back end of by a truck when she tries to turn off the road now. Many times. She's scared.

35 I'm opposed to this sand mine, not just because of the threat of silica dust wafting over my place and not just because of the noise increase. I'm opposed to this sand mine firstly and foremost because the entire process for instigating this sand mine was done so without any form of consultation with the people who would be most
40 affected by its operation. It was done in a manner which would minimise any form of scrutiny and objection, with little, if any, need to reference the suffering imposed on anyone in the vicinity and the lack of financial return due.

45 The fault here lies within Port Stephens Council, an organisation which is in place to look after the people in this area, but one which took a quick cash grab above human beings as its directive. The lack of concern over us has not been limited, however, to people living in this areas. It has extended as far as all of the ratepayers of Port

Stephens and even to people visiting the area. This cash grab gives back as little as 0.108 per cent return on the estimated value of this asset. This is like a farmer who has a cow worth \$1000 and he gets \$1.08 for it and then having the buyer being able to leave any bits that they don't on his property.

5

That's correct. This is nowhere near a good deal for Port Stephens Council or the people in the Port Stephens area or indeed for this state. The revenue from this asset should be returned into infrastructure benefits for all, not five. An example of this should be played out in a comparable value asset recently sold by the state government, the Port of Newcastle was sold for \$1.7 billion and a \$600 million return to Newcastle Council. At the state's own return of revenue calculations, Port Stephens Council should be getting back \$500 million, and in a lump sum, not trickled out over 15 years or so from the asset sales.

10

15 Yes, it is a good deal for the company planning to dig it up and flog it off, but not for anybody else. All they have to do is scrape off the top bit, which can be left behind if they don't want to run it through a separator, dig up and load on to trucks, the clean stuff underneath, hardly a process worth a mark-up of nearly 1000 per cent. There is also the question of the company's being able to operate in the area without being true to the rules. The company given the lease was [REDACTED] [REDACTED] That company that he led was evicted from their last sand mine. The process has been described as smelly. Even [REDACTED] described it exactly as that in the council meeting.

20

25 Further to this, at a meeting with Williamtown Sand Syndicate at the Sir Francis Drake, I asked if they were open to assisting the most affected residents in some way. Their response was, "Well, what do you want?" My reply was, "Well, would you start looking at some sound attenuation for the front of the houses near the entrance, like double-glazing their windows?" We left that meeting with an impression that this would indeed be a possibility, only to get a letter in the mail with a flat-out "no" to any form of assistance to anyone around the sand mine. At their first opportunity to show their intentions, Williamtown Sand Syndicate showed that their profits were their motivation and nothing else. In other words, the proposed sand mine operators are not going to afford any community benefit, local or state. I have more but I'm out of time so thank you.

30

35

MS LEESON: Well, Des, unless there was a quick point that you wanted to make. Is there a quick point that you want to make that you didn't have a chance to?

40 MR MASLEN: My point is this whole process that this sand mine has been put into has been done so without consideration of anyone else. It's a money profit for companies over people living in the area and over the residents. We are going to suffer. We're going to suffer badly and we're not going to get anything out of it. We're going to go downhill..

45

MS LEESON: Okay.

MR MASLEN: Thank you.

MS LEESON: Thank you. Thank you. I will now call our next speaker, Brian Curry.

5

MR CURRY: Good afternoon, ladies and gentlemen and Commissioners. My name is Brian Curry. The issue I wish to speak about is one of vital importance to the community, but, sadly, does not seem to have been considered important enough in the recommendation of this project. Firstly, a bit of background.

10

My property is situated on Cabbage Tree Road opposite the mine site. Inside the western boundary of my property there is a stormwater easement in favour of Port Stephens Council. That stormwater drain, by means of a concrete pipe, continues under Cabbage Tree Road to the quarry site. Therefore, my property is technically

15 connected to the quarry site, with both properties in the contamination zone. I asked Port Stephens Council to clean out their easement. So I will now read to you from the written response I received from them. However, in this document that I'm about to read from, Port Stephens Council staff are identified. I will read around their names. It goes on and comes to:

20

As it stands at the moment, Port Stephens Council are not permitted to remove spoil soil from land within an investigation area, the red zone put in place by the EPA. Where possible, we spread soil as neatly as possible on the site generally along the easement. If we do remove spoil from the site, we generally

25 *let it dry out on site, then remove to an approved facility. This is all done in conjunction with the property owner. In order to limit risk, Council are minimising works in the area of investigation, the red zone, unless the works are of a very urgent nature.*

30

So the main point here, in that instruction, is that it only refers to soil – cannot remove soil from the contamination zone unless of course it goes to a certified storage facility. Absolutely no mention of water tables, water profiles, sea level or depth of excavation. So here we have the controlling environmental authority instructing the local council, who, in turn, advise landowners that it is illegal to

35 remove soil from the contamination zone. Port Stephens Council owns the quarry site. Therefore, as landowners within the contamination zone, they, like all other landowners within that zone, are fully aware that soil cannot be removed from that area except as mentioned, the alternative, that soil go to a certified treatment facility.

40

The currency of that instruction can be demonstrated in the two following examples. Port Stephens Council has recently completed repairs to Cabbage Tree Road as a contractor to the RMS just to the west of land and in front of the mine site. As a precursor to that work, Port Stephens Council and RMS representatives held a meeting with local residents to discuss the planned work. At that meeting, questions

45 asked of the representatives of both Port Stephens Council and the RMS included the following: “Have you completed an environmental assessment and statement? Are you aware that this road is in the contamination zone? Are you aware that any

unwanted spoil or excavated material has to be taken to a certified storage facility?
And, can we receive of the environmental assessment/statement?"

The answers were as follows: "Yes, we have completed an environmental
5 assessment statement. Yes, we are aware the work is in a contamination zone. Yes,
we are taking the spoil to a certified storage facility. No, you cannot have a copy of
the environmental assessment and/or statement." So Port Stephens Council has
evaded environmental authority instructions. Secondly, as we all know, the RAAF
10 base is heavily contaminated and is being expanded. This expansion has and is
producing large quantities of unwanted material which has needed, and will need, to
be removed. Not all the material has been removed from the contamination zone, but
that which has been removed was taken to a dump.

So, in summary, we all know that it is illegal to remove soil/sand from the
15 contamination zone. So here we have an owner, Port Stephens Council, who is fully
aware that it is illegal to remove soil from their property, and whilst preventing
others from doing so, are wilfully supporting a third party in breaching their own
guidelines. As a responsible corporate citizen, Port Stephens Council should not be
putting themselves, the proponents and us ratepayers in that position.

20 So, in conclusion, I would like to add the following. It seems illogical, unjust and
contradictory that this edict applies to some members of the community but not
others. It would be appreciated if this discrepancy could be re-assessed and an
answer would also be greatly appreciated. Given the current position in regard to the
25 ever-spreading and increasing contamination in the area, along with the unanswered
serious health questions, it would seem to be a very irresponsible authority or person
that would allow this project to proceed. Thank you.

30 MS LEESON: Thank you, Brian. I will now call Cain Gorfine, and if you can
identify who you're representing. Thank you.

MR GORFINE: My name is Cain Gorfine. I'm representing Williamtown and
Surrounds Residents Action Group as their president. Thanks for having us here
today, Peter, Peter and Diane. Good afternoon, Commissioners. My name is Cain
35 Gorfine, as I said, and I stand here today as the president of Williamtown and
Surrounds Residents Action Group, a group originally formed by this community to
oppose this very sand mine proposal. I also sit on the community reference group
that meets monthly set up by the Department of Premier and Cabinet in order to
advise that group on the community's concerns with the ongoing contamination
40 crisis. It has now grown our group to over two and a half thousand followers.

The purpose of this meeting, Commissioners, is to hear views on the department's
assessment report prior to it making a decision on the application. It is inevitable the
views expressed today will overlap at times with the content of previous submissions
45 made during the public exhibition period. This is because many of those views have
not been addressed at all or addressed inadequately, failing to take into account new

or relevant information. Excuse me if I'm speaking a bit fast but I've got a lot to get through in 15 minutes.

5 A recent development now includes the mayor, Brian Palmer, and West Ward
councillor, Giacomo Arnott, who I believe is in the room today, of Port Stephens
Council agreeing to seriously consider rescinding the lease between the proponents
and the council, such is the unrest and uncertainty of this proposal. I am completely
opposed to this project and I will give you compelling reasons, supported by
evidence, to enable you to reject the application. However, in the interests of
10 balance, I will present an alternative to approving the application as well as extra
conditions of consent we would like to be imposed on the operator should you decide
to approve.

15 How could anyone in good conscience even allowing this project to proceed? The
residents in the red zone are being treated disgracefully and are being forced to live
in a physically, psychologically and environmentally harsh situation. If this
ridiculously short-sighted project was to proceed, it would be another massive blow
to those residents who would be directly impacted by the negative consequences that
the sand mine would bring. This project must be considered in the broader context
20 of what is occurring with the contamination in the area and, on that basis alone, it
surely cannot be allowed to proceed and further heighten the misery in the red zone.

A positive determination would be a massive mistake, and I'm sure would receive
widespread condemnation and would have huge detrimental political consequences
25 for those involved in such a decision. The community expectation on this is very
strong and clear and any decision to proceed will be met with a massive community
backlash. I am confident that you will make the right decision on this project and
reject it.

30 Medical and scientific submissions. Many residents within only a few hundred
metres of the proposed site are suffering from health issues linked to PFAS exposure,
such as impacts to the immune system function, reproductive function, endocrine
functions such as thyroid functions, liver functions, cancers including prostate,
kidney, testicular, breast, have seen the value of their assets disintegrate as a result of
35 living in the contamination zone, have been forced daily to live with the stress and
anxiety caused by having their lives turned upside down by a disaster which is no
fault of their own.

40 We have heard from local authorities, and you have heard from the proponents, that
there, and I quote, is currently no consistent evidence that exposure to
perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) causes adverse
human health effects. Recent reviews conducted by regulatory bodies have
concluded that there is no compelling evidence that PFAS at the concentrations
found in the area surrounding the mine site are harmful to human health. It is not
45 clear to us which recent reviews the proponents are referring to. As the affected
communities being forced to live through this crisis, we have done our own search,

including contacting leading scientific experts, the vast majority of whom we note are located overseas and not in Australia.

5 As the chronology set out in the schedule to my submission demonstrates, there is a significant and compelling body of evidence which has linked these chemicals to adverse health effects in humans. This evidence is in addition to evidence confirming the damaging effects that PFAS has on the environment and on animals, both of which are accepted by scientists beyond any debate. The body of human health evidence includes findings by the OECD, which, as early as 2000,
10 acknowledged that PFOS was persistent, bio-accumulative and toxic to mammalian species, the US Federal EPA and various state EPAs, including Vermont and Minnesota, the US Agency for Toxic Substances and Disease Registry, the US National Toxicology Program, the United Nations Environment Program, the European Union, the Stockholm Convention on Persistent Organic Pollutants, the
15 International Agency on Research on Cancer, IARC, the C8 Science Panel, which, in 2012, concluded an independent epidemiological study of PFAS exposure across 69,000 people in the Ohio Valley and determined probable links to at least six serious human diseases. This remains the most extensive and authoritative PFAS human health study to date.

20 The Commissioners will also note that these agencies are independent and objective, being concerned with identifying potential risk to human health. DuPont's head chemist, in an internal memo to executives when launching the company's best-selling Happy Pan in 1961 stated that PFOA should be handled with extreme care on
25 the basis of internal study which it found in large livers in rats and rabbits exposed to PFOA. In '78, 3M informed DuPont that PFAS was potentially hazardous to its workers and DuPont began monitoring the abnormally high blood levels of its workers.

30 Also in '78, they discovered PFAS were immune-toxic following a study of monkeys, in which many of the monkeys died. In '81, following secret monitoring, DuPont discovered a statistically significant rate of birth defects in female workers. In '93, the first significant epidemiological study into PFAS, a study by Professors Gillian and Mandel of 3000 male workers exposed to C8 reported those workers
35 were 3.3 times more likely to have contracted prostate cancer. The list could go on and on.

The Commissioners may be aware that the C8 Science Panel was set up as a result of massive litigation involving DuPont between 2005 and '12 at a cost of US\$30
40 million. Three independent epidemiologists, Tony Fletcher, David Savitz and Kyle Steenland took blood samples from 69,000 people. Their study, the most comprehensive PFAS study to ever occur by some margin identified six serious diseases which were probably linked to PFOA – kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, preeclampsia, high cholesterol. PFOS has also
45 been nominated to the Stockholm Convention in 2009 and PFOA was later nominated in 2015. Also has a half-life of five years compared to PFOA, three years. The half-life in the environment is closer to 70 years.

A third chemical, PFHxS has been detected in significant quantities in the environment around the properties in Williamstown and Cabbage Tree Road, on properties adjoining the proposed site. The levels of PFAS in the bore water samples have gone up fivefold in the space of 12 months for some of those properties. The
5 contamination is spreading. Little is known about the effects of PFHxS, though we understand it's half-life in human blood is about nine years and it is commonly detected in organs such as brain, kidney and lung, and less readily in blood.

Commissioners, reconsider the safe exposure limits, TDIs, recreational and drinking
10 water, set by FSANZ in light of all available science. Australia's limits remain many times higher than USA and Germany, to name but two examples, and inconsistency among regulators is a major concern to affected communities who struggle to know who to trust. Second, we comment on the effects observed within our own
15 communities. One, test results showing PFOS levels in our waterways around the mine site 900 times higher than the government's safe drinking water levels; a contamination plume which is reported by AECOM, contracted for the Department of Defence, to be five kilometres long by five kilometres wide; cancer clustering within the local population.

20 To give one example, on a five kilometre stretch of road which passes the proposed sand mine site, 50 cases have now been reported in the last 15 years. Some cancers have been diagnosed in the last two years despite those individuals having followed the government's health precautions. Blood testing has shown some residents,
25 particularly elderly residents who have worked on the land on Cabbage Tree Road have serum levels 11 times the national average for their age. Blood testing has also shown that babies are being born with levels many times those of their parents, despite their parents following the government's health precautions. The number of our residents who have suffered from liver disorder, thyroid issues and high
30 cholesterol is too numerous to count. Similarly, the stress, anxiety and other mental health issues caused by the contamination are too widespread for us to even begin to count.

Third, in light of our experience, we have reached the following observation about
35 the risk posed by these chemicals. At the very least, whatever the causal links to illness may be, PFAS are unnatural. They're manmade substances which persist in the body. They reduce white blood cells and undermine the body's immune system. How can any panel with a genuine concern for public health say any amount is safe? You will be very well aware that the proposed site is situated in the expanding red
40 zone. Several properties adjoining the proposed mine site now have high levels of PFAS in the bore water. This was after a nil detect only 12 months prior. We were told the plume would reduce in size back in 2015. Since then, the zone has been expanded by 50 per cent by authorities and the contamination continues to spread. The authorities are learning every day the complex hydrology and geology of the area from the locals. What effect do you think bulldozing and flattening a crucial
45 charge and recharge site will do to that complex interplay? Don't use us as your lab rats any more. Reject this proposal.

Despite what the proponents say, dust is a pathway for PFAS exposure and many believe that this accounts for higher than average serum levels of the chemicals in residents living within a few hundred metres of the proposed site. Professor David Durrheim, a local professor from the University of Newcastle, who submitted a submission – he’s from the School of Public Health, I won’t say his whole quote in full, but he effectively says, and you can read in the submission, that there needs to be monitoring of PFAS. Professor Mariann Lloyd-Smith and the POPs Review Committee also stated:

10 *Based on the persistence, bioaccumulation, toxicity in mammals including humans and widespread occurrence in environmental compartments, it is concluded that PFOA, its salts and related compounds are likely, as a result of their long environmental transport, to lead to significant adverse human health and environmental effects such as that global action is warranted.*

15
And they go on:

20 *The committee acknowledge that PFOA was detected at sites remote from any known point sources indicating that it undergoes long-range transport via atmospheric transport of volatile precursors to PFOA.*

And, despite all of this overwhelming evidence and the fact that the proposed site sits in the middle of the red zone, which is expanding, the proponent still managed to present a view to the department, and to you, that a large-scale sand mine presents no risk. Commissioners, fortunately for you, in 1992, the federal government, states and territories signed the Intergovernmental Agreement on the Environment. The agreement included a commitment on public decision-makers to adopt a precautionary approach when faced with scientific uncertainty. In effect, you must assume the risk of harm is so real that the environment and, by extension, the people living within that environment are protected. Where there are threats of – 3.5.1 of the precautionary principles clearly states:

35 *Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the principle, public and private decisions should be guided by a careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment and an assessment of the risk weighted consequences of various options.*

40
So every time the proponent or regulator say there’s no consistent evidence of health effects, they are leaving the affected people with a burden of proof. What they and you, Commissioners, with all respect, should be saying is, “Because there’s scientific uncertainty, we are assuming the risk is serious and real and will respond accordingly in order to protect our environment and our citizens.” Furthermore, the proponents have no experience. They have got no track record of being environmentally

sensitive. Why is the onus on the committee to keep the proponent honest? We are told to live consistently with PFAS. What life is that?

5 I will now add further grounds for merit refusal: the truncation of the Lower Hunter
Biodiversity Conservation Corridor and inadequacy of the proposed wildlife
corridor; significant impact on two threatened species under both state and
Commonwealth legislation, the Earp's Gum, koala feed tree and the koala; impact
10 on 11 threatened fauna species, especially the koala and Earp's Gum, including in the
context of the requirement of the Koala Plan of Management, including one
international migratory species; impact on four threatened flora species; impacts on
the Swamp Mahogany, paperbark forests, freshwater wetland mosaic; contextually
15 the loss of the EEC and koala feed trees incrementally elsewhere in the local
government area; inconsistency with the Port Stephens Comprehensive Koala Plan
of Management and the fact that the same resource can arguably be sources
elsewhere in the area and will be put towards a lower than optimum value use by the
project.

I've just got probably three more minutes. Are you happy with that?

20 MS LEESON: If you can be quite brief, otherwise we're very happy to take your
submission and deal with it separately.

MR GORFINE: Sure. I will just go to - - -

25 MS LEESON: If you can just outline your, perhaps, key point, that would be good.

MR GORFINE: Sure. Should you approve the proposal, these are some options.
We request that you remove the extraction areas 10A and 9B; any future increases in
operating hours must be approved in writing by all property owners. The Vic EPA
30 Guidelines on Respirable Silica states that any operations must be 500 metres from
homes. We ask you to adopt that. DPI New South Wales state also that any
operations must be 500 metres from rural dwellings. I talked about – so I will just
say, look, you will have to read my submission to get the rest of the points.

35 Finally, Commissioners, I will bring you back to my statement at the start. The
community's expectation on this is very clear. The proposal must be taken in context
of what is occurring with the contamination in the area and, on that basis alone, it
surely cannot be allowed to proceed and further heighten the misery in the red zone.
Thanks.

40

MS LEESON: Thank you, Cain. We will carefully read your submission. Thank
you. If I can now call the next speaker, Dorothy Harland. Would you prefer to sit?

MS HARLAND: It's okay. My name is Dorothy Harland. I live at Banksia Grove
45 Village on Nelson Bay Road in Williamstown, in the middle of the red zone. Even
though I live some 10 kilometres from this proposed sand mine, I feel the impact of
sand trucks thundering down the road and the negative impact they have, not only on

myself, but on my friends and neighbours. Older people trying to cross the road to catch a bus to go shopping, medical appointments, socialising and so on, is fraught with danger.

5 Some residents are so terrified of the trucks that when they have to cross the road on a return trip from, example, Salamander Bay, they actually feel they have to travel on to the airport to await a bus going the other way just so they don't have to tackle the trucks. So they go down to Salamander this way, come back. You get it. Sorry.
10 This way to the airport can take anything up to an hour just to cross the road. This is a ridiculous situation. Driving out of the village, and, indeed, out of any property along Nelson Bay Road is a dicey affair, with trucks roaring past at 80-plus kilometres per hour.

15 Contaminated sand being mined and trucked around the state is a ludicrous idea. To illustrate just how ludicrous, residents along Cabbage Tree Road have been instructed/ordered not to remove soil or sand from their properties in any quantity, example, in a box trailer without first having it checked, cleaned and basically certified that it is not, or is no longer, contaminated. A box trailer of sand/soil is
20 feared because of the PFAS contamination. I am dumbfounded that anyone would consider approving the mining of this PFAS-contaminated soil and sand to be trucked out in the thousands and thousands of tonnes to places unknown.

25 International studies and reports clearly show the very unhealthy nature of manmade PFAS and its links to a wide range of diseases. Yes, I am cynical. I cannot, in my wildest imagination, believe that every little bit of that mined sand and soil will be checked and cleaned, and basically certified that it is not, or is no longer, contaminated before it leaves the mine site. The broadly-published breaches of sandmining and trucking regulations at other sandmining sites in the area puts paid to
30 any argument that says it won't happen on Cabbage Tree Road. You could say that there is a serious lack of trust in sandmining companies to abide by the laws and regulations.

35 What about the Cabbage Tree children and families needing to cross the road for any number of reason? What a tragedy waiting to happen. It can be avoided. Local residents have already been traumatised by the PFAS contamination. Their properties dramatically lost value overnight when the contamination was announced in 2015. Approving this sand mine, which is only metres from residents' homes and properties, will add to and heap more trauma on them. These people do not need a silica-laden, dusty sand mine next to them to further devalue their properties. They
40 can't stay. They can't leave.

Please, Commission, in the public interest, and not in the interest of big money, do not approve this sand mine. Thank you.

45 MS LEESON: Thank you, Dorothy. Rhianna Gorfine.

MS GORFINE: Good afternoon, everybody. Just before I start my presentation, if it's okay with you, can I add something in that has actually happened as of today? Some residents from Cabbage Tree Road have discussed it with us today and we've experienced it personally - - -

5

MS: I can't hear you.

MS GORFINE: As of today, we've experienced it personally and we've had other residents discuss it with us, we've had a multitude of the trucks today letting off their exhaust brakes. We've had a couple hanging out the window, waving and blowing kisses. This is what we've had to put up with, things like this, on and off, but there's rumours going around already that this sand mine approval is already gung-ho, it's all going ahead and there has been all sorts happening with the truck drivers along the road, which is – it's just disgusting.

15

I will move on to – hopefully I've got the five minutes down pat. So good afternoon, Commissioners and everybody that has come here today. Thank you for the amazing support. I stand here today as a resident of Williamstown who owns a property, 350 Cabbage Tree Road, right next door to the proposed site. I'm in disbelief that, given everything that has gone on within the area, that we are gathering today in this room. The project, along with its dodgy history, should have been shelved a long, long, long time ago. The history of this proposal and what our community has endured for the last three years is well-documented. I'm sure, in your respected and educated roles as commissioners, that I don't have to reiterate the history, the history of the area that reads more like a drama script, but, in truth, it's our reality.

20

Today, this is my personal submission on behalf of my family, the Gorfines. To be totally honest, I barely have the strength to write this submission – another submission, yet another meeting, more time and energy away from my family. Will it make a difference? I don't know, but I've at least got to try. When will the government and their bureaucrats finally start to listen to their people? Fingers crossed, it might just happen this time around.

30

The bad news for our community, the place we call home on Cabbage Tree Road, just never ends. Toxic contamination. Don't eat your vegies. You can't eat your eggs. Don't use your bore water. The properties are devalued. The banks view your largest asset as worthless. A cancer cluster. A fear for your health. Recent bushfires. And now, unbelievably, the sand mine is back on the agenda as the process progresses. In the words of one neighbour, "This news has broken me," and I don't think they are alone with their thoughts. It seems to be the interests of a few people and the importance of lining their pockets are put well and truly above the people and families of Cabbage Tree Road. I hope the PAC proves us wrong and makes a correct ethical and moral decision on this project.

35

40

Three years ago, on February 17, we had a knock on the door by two men with no identification or business cards. One is actually in the room today. They had called in to advise that a sand mine operation would be going to be set up next door to us.

45

Both my husband and I were in shock and upset by this information. Prior to moving onto this property, we had done our due diligence. We were advised that the bush surrounding our property was conservation land, preferred koala habitat and wouldn't be touched. Subsequently, Williamstown and Surrounds Residents Action
5 Group Incorporated was founded by myself, my husband Cain and our neighbour Brian and Julie. We soon had many other community members involved.

For three long years we have fought – fought for what is right, fought to give our children and the community a safe environment and quality of life they deserve.
10 Throughout the whole process, we hadn't wanted to look back and think we could have done more. As a group, we didn't want any regrets. At times, the energy waned and the stress levels increased. There are times that our hands were thrown in the air and I would want to call a curl-up into a ball. I look back and I know that we can definitely say that we've done everything we could up until this point.

15 Eight and a half years ago, we moved into our home. From the age of 14, I worked hard to have my horses. It was my dream to own acreage, to have my horses live with me and then to raise a family with Cain. It was going to be our forever home. As a child, I moved around a lot and went to eight different schools. When you
20 become a parent, you reflect on your childhood and learn what are the non-negotiables when it comes to your own children. For Cain and I, it was imperative to provide a lifelong safe home for our family. Our children are now 11, going on seven and almost four, and we wonder what our future holds and what will be our family home.

25 At the moment, angry and upset, is an understatement. We are in an unprecedented time with a toxic PFAS contamination. I implore you to put yourselves in the shoes of these residents, the residents that you've heard today. How would you feel knowing your house is worth nothing? How would you feel to have your future
30 stripped away from you and your family? How would you feel to have a shadow of doubt over your health every single day, when you regularly ask yourselves, "Have we lived here too long? What damage have we already caused to ourselves and possibly to our children?" It's devastating, and, worst of all, we can't move. We can't escape and our home is worthless. Where do we go? How do we start again
35 and what finances do we do it with?

Cruelly, on top of all this uncertainty, you want to put in a sand mine within a contaminated toxic red zone, within a water-dependent ecosystem with valuable
40 threatened species, including the koala and the newly-discovered Mahony Toadlet, all on a busy road surrounded by homes and families. These aren't just flippant statements or questions. This is reality and the threat, if approved, of this proposal is well-documented. The Commission, you must put people first. Put them before profits and knock back this proposal, or, at the very least, put it on hold for three years until there is a greater understanding of the fallout of the contamination and
45 when residents can move way, if they need to, and can actually have a choice about their futures, because at the moment we're stuck. There is no way out and we have no choice.

It's just a couple more lines. There is so much more I could say, so many more in-
depth details to go through. I could highlight individuals from the community
suffering much, much more. But, to put it simply, this is a submission of Rhianna
Sarah Gorfine, who has put blood, sweat and tears into this campaign and the
5 community to protect the right we have to our properties and to live happily and
safely within our homes.

In closing, Peter, Diane and Peter, it's simple. We need you to put the people of this
shattered community first. The people of Williamstown have suffered enough. And,
10 most importantly, on behalf of my family, my children, Jackson, Bronte and Ryan,
please put an end to this inappropriate proposal, or, at the very least, put it on hold
for three years.

MS LEESON: Thanks, Rhiana. Can I call Geoffrey Dingle.
15

MR DINGLE: Good afternoon. Thank you for this opportunity to speak on the
Cabbage Tree sand mine proposal. I'm against the proposal based on health, social,
economic and environmental grounds. I was a councillor with Port Stephens Council
between 2004 and '17, and, over this period, I had the unique opportunity of being
20 directly involved in the birth of this proposal. Port Stephens Council's community
mission states:

*Leadership and alliances are innovative and entrepreneurial, stimulating
growth and profits and deliver to our community a great lifestyle in a treasured
25 environment.*

There is nothing innovative about knocking down 40 hectares of old growth forest in
our treasured environment. The Port Stephens koala population has reached
endangered status. A return of .1 per cent on ratepayers' total resource value is
30 pathetic. Supporting a business consisting of a truck and front end loader operation
employing a few contracted employees with low skills is not being entrepreneurial.
There is no community partnership. The entire process has been cloaked in secrecy,
changes in shareholders and funding arrangements all under confidentiality.

35 Mining sand on council's community land next to its residents and ratepayers will
directly impact on health and lifestyle with contaminated dust, noise from trucks and
machinery, lighting and increased road traffic from early in the morning until in the
evenings six days per week following, of course, damage to local roads. It's an
admission of Port Stephens Council's failure to demonstrate duty of care. The
40 proposed mine is located in the contaminated PFOS/PFOA-designated red zone.
Port Stephens Council's directive is, through EPA:

No materials are to be removed or relocated in the zone.

45 It is common knowledge that silica dust produced by sandmining is a known
carcinogen that can lead to fatal diseases, such as silicosis and lung cancer. This is
already a known cancer cluster area and this project is doing everything but

delivering a great lifestyle to the residents of William town. The state's significant argument the site contains some significant high quality silica sand for glassmaking is irrelevant. Australia's glass industry is grappling with uncompetitive glass prices and fierce overseas competition. Many of our best known glass manufacturers have closed. Cheap imports making up 25 per cent of the market have pushed glass prices in Australia down. The industry is in crisis. The sand from Cabbage Tree will end up as building sand or concrete, but most likely fill. The value of any high quality silica will not be realised. It requires expert identification, expensive cleaning and separation and the volume is small.

The coast of Port Stephens is lined with the largest sand dune system in the Southern Hemisphere, moving into residential areas and requiring constant harvesting. There are multiple operators in the Port Stephens area collectively mining more than the Cabbage Tree total mine output annually. There is no pending sand supply shortage in the medium to longer term. This argument is both false and misleading. In 2013, council staff spent considerable energy and time to assess nine tenders to mine sand on council's own land at Cabbage Tree Road with one recommendation, [REDACTED]

On 12 February '13, when the tender came before council, councillors moved to reject all the tenders and then debate focused on [REDACTED]. Speaking to a council representative responsible for the tender process after the meeting, he told me the [REDACTED] tender was non-conforming – one employee, no funds, no equipment, no mining record, a business related to the [REDACTED]. Councillors were offered a tender review of [REDACTED] only. This did not follow tendering due process.

Based on dollars per tonne, councillors voted, on 9 April '13, to enter an agreement to offer a lease to the non-conforming tenderer. A bank guarantee arrived on the 12th, three months later, with much fanfare and announced it was in cash. Little wonder our community has no faith in the lease and the DA being sought by a relatively unknown organisation with little to no track record in mining experience.

Approval of this DA would rely on conditions of consent to manage impact on residents and ratepayers. When it comes to enforcement of regulations, our community knows from personal experience that authorities are reluctant to become engaged. There is less and less resources available for investigation and legal enforcement. The community would have no choice but to carry out their own investigation, monitoring and reporting the risk themselves until media noise becomes intolerable and some poor sacrificial semi-informed officer comes in to investigate after the event.

I implore members of the PAC committee to consider the welfare of the residents of this community already under severe stress from the RAAF contamination. Please reject the proposal. There are more than enough solid arguments to support such a decision. If the approval gets up, so will the community.

MS LEESON: Thank you, Geoffrey. Nigel Waters. And, Nigel, if you can indicate which group you're representing. Thank you.

5 MR WATERS: Thank you. Good afternoon, Commissioners, and thank you for the opportunity to speak to you. I'm representing three organisations here today. I was the author of Port Stephens Greens objection and I was also involved in the preparation of objections from Eco-Network Port Stephens and the Tomaree Ratepayers and Residents Association. I serve on the committees of both organisations. I would like to point out that Eco-Network Port Stephens is an umbrella group with 30 affiliate groups with a combined total of several thousand members across the whole of the LGA. The signatories of the Eco-Network and TRRA submissions are unavailable today and I have been asked to represent and speak on behalf of all three community groups.

15 This task is made easy by the consistency of the three submissions reflecting the common concerns which you must by now be well aware of and that are shared by many other individuals and organisations about this proposed sand quarry and its likely impact. All the objectors are understandably very disappointed that the department, in its assessment report, has concluded that the proposal is in the public interest and is approvable, and we consider this to be in effect a recommendation to approve. We are not persuaded by the department's arguments for how community concerns are either unfounded have adequately been addressed already by the applicant or can be addressed through conditions. We refer the commissioners to our detailed 2016 submissions, but we highlight today three major areas of concern. 20 Firstly, the PFAS and PFOA contamination. 25

Given the continuing uncertainty about the extent and effect of the contamination emanating from RAAF Base Williamtown, the restrictions that are applying to private landowners in the investigation area, known colloquially as "the red zone", 30 shown here on the map – that's the earlier red zone, and those restrictions have been highlighted by Mr Curry and Ms Harland. So given the uncertainty, the restrictions and the devastating impact on local residents, which I think you've got some flavour of today, we cannot comprehend how the department can so casually dismiss concerns about the major disturbance of the site involved in even the modified 35 proposal. You've heard today from just a few of the affected residents. I think it's right to say that there are some 600 families resident in the red zone. You've heard today from some of the more articulate and passionate members of that community, but I can assure from our experience there are many hundreds of others who share those views. 40

The combined effect of the various agency inputs which have been made to this project and the final recommended conditions amount, in our view, to a mere hope that there will be no contribution to the ongoing contamination crisis and potential long-term adverse health effects. So it's basically a wishful thinking approach. The 45 various monitoring and compliance conditions do not alleviate the very serious concerns of directly affected residents if future monitoring detects problems or compliance is not guaranteed, and we note – it has already been noted today the track

record of compliance for sand mines in the Williamstown area is poor – then it will be too late. The damage will have been done.

We note that in November 2017, the New South Wales Environment Protection
5 Authority announced revised boundaries for the red zone, now renamed
“management area”. The effect of these new boundaries was to – sorry. I’m just
trying to find the pointer. Come back. There we go. Okay. So the revised
boundaries, in effect, increased the area now called the management area by 50 per
10 cent, but very conveniently excised most of the area subject to this application. We
find that incredibly hard to understand, how this area has somehow conveniently
disappeared from the affected zone, and I point out that the Department of Defence at
the same time, or soon afterwards, issued another map which is inconsistent with this
one and which actually still shows the sand mine site as being within a human health
15 risk zone. So the authorities simply can’t even get their act together and give a
consistent message to the community.

The department has, in our view, been relying heavily on advice from a range of
Australian authorities on the PFOS and PFOA contamination issue which the
20 residents simply do not trust, and you’ve heard very eloquently from Cain about the
many reports from overseas which suggest that the Australian authorities simply
don’t know what they’re dealing with. We submit that the precautionary principle
should be applied to refuse the application at this time, with reference to the
assessment criteria in the EPA Act of social impact and public interest. Any sand
quarrying activity at Cabbage Tree Road should not proceed until and unless the
25 contamination issue has been resolved and associated legal action concluded.

Our second major area of concern relates to traffic. Despite the modified production
schedule, the addition of a high volume of heavy truck movements to an already
overloaded and inadequate road system is on its own sufficient reason to refuse this
30 application. We reiterate our major concern that assessment of individual projects
like this fail to adequately address the cumulative impact of quarrying project
approvals in the Williamstown area. There are multiple sand quarrying operations
within 10 kilometres of this site. I’ve charted them on the map here. You can see
the white ones are the ones that are currently operating. The yellow one over there to
35 the left is the one we’re talking about now, but there is another proposal for a sand
quarry operation at Bobs Farm. So, in total, you’ve got a very large number of sand
quarrying operations generating a very high volume of truck movements.

All of these basically end up using Nelson Bay Road. There is only one road to the
40 Tomaree Peninsula, Nelson Bay Road, and it’s only at this point that you get
alternate routes. Cabbage Tree Road is one of only three access routes to all these
quarries. In 2016, the former PAC approved alternative access to Macka’s Sand
operations – lost it again – down here, out onto Nelson Bay Road in the face of major
objections from the local community largely on traffic grounds. Those operations
45 have subsequently been fined for breaching limits on truck movements, which
understandably gives the community no confidence that conditions such as those
proposed for this project will either be met or routinely enforced.

Another application for increased production and truck movements is currently being assessed for the ATB Morton Redisand operation, which is here, again accessing onto Nelson Bay Road. Again, residents and others have raised major concerns about the traffic implications and related safety issues. We have pointed out in our
5 submissions that Nelson Bay Road is the only access road to the Tilligerry Peninsula and to the Tonmaree Peninsula with their combined populations of more than 35,000 people. Only a few months ago, a heavy vehicle overturned at the Paul's Corner roundabout, the junction of Richardson Road and Nelson Bay Road, fortunately without any injuries.

10 Access to all of the sand quarries in the area involved multiple truck movements around a few key roundabouts on both inward and outward trips, a consequence of the requirement for no right turn. So you're getting actual multiple movements around those roundabouts. That's another view of that accident. And just going
15 back to the map, you're talking about the roundabout here, which is critical to the movement of many of these sand quarry operations. All of the trucks leaving the Cabbage Tree Road site will have to use the roundabout at the junction of Cabbage Tree Road and Nelson Bay Road, again, which is the road used by – the main route used by the 35,000 people living east of the airport in accessing Newcastle. The
20 Sydney Morning Herald reported, on 21 December last year, that, and I quote:

New South Wales truck deaths have increased by more than 86 per cent in 12 months as police report increased heavy vehicle traffic connected to major construction projects.

25 The community is rightly fearful that a major accident involving sand trucks in our area leading to death or serious injury is only a matter of time. The Department of Planning Assessment of the predicted traffic impacts as being only, quote, minor, flies in the face of the everyday experience of local road users. We urge the
30 Commission members to observe for themselves the effect of heavy truck movements, particularly at peak times, before making your decision. We submit that there will be significant adverse traffic impacts which justify refusal under the social impact and public interest criteria in the Act.

35 The third area of concern relates to environmental and ecological impacts. We are not persuaded that the adverse environmental and ecological impacts of the proposal which are acknowledged in the assessment report can be managed or mitigated to an acceptable degree. We submit that the Department of Planning has understated the risk to a number of fauna species, including, in particular, koalas, which were found
40 by the New South Wales Scientific Committee last year to be critically endangered in the Port Stephens area. The Tomago and Williamtown areas have been identified by Port Stephens Council as hotspots where koala habitat needs particular protection to ensure the survival of viable breeding populations. As with traffic, the cumulative impact of loss of any habitat needs to be given greater weight.

45 We are also concerned about the potential impact on groundwater. The buffer between the proposed operations and the groundwater level is simply too narrow.

Given that the site sits on the Tomago Sandbeds, an important source of fresh drinking water for the Lower Hunter Valley, we submit that the precautionary principle again should rule out the major disturbance involved in the proposed quarry. We submit therefore that the Commission should refuse the application on
5 the grounds that the proposal will have significant adverse environmental and ecological impacts, the criterion B in section 79C(1).

There are many other issues which I don't have time to touch on today. You've heard some of them from local residents and others, and, in particular, the dodgy
10 history of this proposal. Unfortunately, I suspect that you won't be able to take account of that given your role under the Act. That's unfortunate because it's very significant, and, if you can give it consideration under the general public interest category, I urge you to do so.

15 In conclusion, we submit that the Department of Planning, in its assessment of this project, has significantly understated several adverse impacts and has given insufficient weight to the EPA Act criteria of the environment and social impact – criterion B, the public interest, – criterion E, and the weight of public submissions –
20 criterion D. In contrast, it has given undue weight to assertions of economic benefits which are unsupported, other than the very small number of direct jobs involved and the direct financial windfall for Port Stephens Council which can and should be deferred. There is no detailed analysis of the sand market in New South Wales to support the assertion that this particular quarry is necessary at this time.

25 Port Stephens Council is, in our view, being irresponsible in allowing the application to proceed. As the landowner, it has a major conflict of interest which has inevitably compromised its ability to give professional opinions on this proposal. We note that council's submissions are mostly predictably uncritical and supportive despite, for
30 example, acknowledging that the proposal is not consistent with the Port Stephens Comprehensive Koala Plan of Management and various other requirements. The normal role of a local council to safeguard the interests of local residents and of the wider LGA community cannot be performed when council itself will be the financial beneficiary of approval. The sand will still be there and will potentially be even
35 more valuable in future. So the longer terms interests of the community would not be compromised by refusal.

We submit that the Commission, in addition to its normal role, must step into the role vacated by council's conflict of interest and put the interest of the community first. We urge the Commission to give appropriate consideration to the environmental,
40 social impact and public interest considerations against allowing the extraction of sand from this site at this time and to refuse the application. Thank you.

MS LEESON: Thank you, Nigel. If an now ask Wayne Sampson.

45 MR SAMPSON: My name is Wayne Sampson. I would like – firstly, I would like to thank the powers to be, the government, for giving us the opportunity to put our stories to you, Commissioners, today. As we can see it, it's our one last chance. We

live at 393 Cabbage Tree Road, which, with all due respect, was where you had your inspection this morning, in the driveway of the proposed sand mine. We live at 393 Cabbage Tree Road, which, as I said, with all due respect, is straight opposite where you had your inspection this morning.

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I know many of the things I am going to mention don't seem to be of concern to the relevant authorities, but they mean a heck of a lot to us, the residents who live directly across the road and surrounding the proposed mine and all along Cabbage Tree Road. We who live along Cabbage Tree Road are very conscious of the number of B-double truck movements already on this road to other sand mines, and to put over 100 more truck movements is frightening as well as dangerous. We have seen how easy that somehow an increase in truck movements to these mines further down the track with very little consultation, and other sand mines in the area have also been involved, as soon as they get the approval, things settle down, there's approval for more movements of the trucks.

The airport is proposed to become international towards the end of this year, which will increase traffic flow even more as Cabbage Tree Road is the main route shown on maps to access the airport from the Central Coast, Sydney or most of the north-west areas. The residents along this road already have the danger turning in and out of our driveways without more heavy vehicles and airport traffic increasing.

We are also concerned about the dust, the noise pollution and health problems that go with that. Although the Williamtown Sands say there will be very little noise, if any, and no dust, but opposite our properties will be a big open space for the road to go into the mine. No trees, no sand hill, but flat, open space. And where is the water coming from to eliminate the dust? Trucked in, which causes more traffic problems, or from spear point water which we are advised not to use on our properties because of PFAS contamination. Some properties more distant away from the defence base than the proposed sand mine, you have only got to drive past the Salt Ash sand mine on a windy day to see how much dust is swirling around there, and we, here, are flatter and more exposed to winds than the Salt Ash area.

We are not allowed, by the EPA, to remove any dirt from our properties, as Brian's story from the letter from the council told us earlier, unless it is treated in some special way. Is the tonnes of sand to be taken out from across the road being treated or just before it dispersed across the state, we don't know, do we? Well, as already mentioned, our neighbour has a signed letter from the council verifying this. What happens when we get heavy rain like we had in January 2016 when the water table rose so high it flooded the front of our, and many other properties, like we have not seen before. I have also photos of this situation to verify it. And much of the proposed mine areas is normal swamp. In normal weather conditions there's water everywhere in there.

At the moment, you would never have seen it so dry in your inspection this morning. Our area is as dry as we've ever seen it in the whole time we've been living here, which is 30-odd years. This area is recognised as a buffer zone to the airport because

of the trees and undulating sand hills that are there now. What a difference we noticed after the recent two bushfires over the last three years when the trees and undergrowth were burned out, and now the proposal is to remove a majority of that as well as the sand hills, not to mention the destruction of the flora and fauna and the commencement of the noisy jet fighter, the new jet fighters, arriving in 2019.

Our property values are a big worry to us all. Not only have we got the contamination issue, but we now have the proposed sand mine to drag our values down even further. The council and Williamtown Sands does not seem to be concerned about our welfare as none of them live in the area. It's a "not in my backyard" issue, as I'm sure they would not want to live with this either. Who is going to want to live opposite this operation with B-double trucks turning in and out from daylight till dark? Young families with high mortgages and us, the elderly, have only these properties to sell to buy a much smaller residence when we finally want to retire. We have no hope of improving our sales, which brings on the mental issues we are all feeling.

I might also add that I have one of the higher levels of PFAS in the blood tests that were done in our area after the RAAF let us get them done. We live in the area which – hang on. I might also add that I have one of the higher blood levels of PFAS in my system and we live in an area that has recently been taken out of the red zone and placed in a lighter shade of colour, whether it be red, blue or pink, by the EPA and left the sand mine out of that colour area also. That brings another big question mark. Thanks very much for listening.

MS LEESON: Thank you, Wayne. We do now have one last speaker, Rod Scaife.

MR SCAIFE: Rod Scaife, Cabbage Tree Road. Commissioners, ladies and gentlemen, what can I add? Everybody has covered it, from the shonky beginning, PFAS, public health, roads. It is overwhelming. Okay. If you approve it, you're not here to police it and neither is anybody else. We have already seen that with the current sand mines. \$15,000 for 1000 truck movements I think equates to five cents a tonne. A small B-double unit, that is, three axles on the trailer, is 33 tonnes legal. Today I saw one with five axles, and B-doubles are very much more. So these things are peanuts. You people will go back to presumably Sydney tonight in your comfortable home and that's the end of it. For us, it's just a continuation of the nightmare. Thank you.

MS LEESON: Thank you, Rod. That concludes our speakers for today. We, as the Commission, have heard a lot from the community. We have a lot to digest and a lot to consider. We will make our determination as quickly as we can, but, as I said earlier on, we may need to go back to some others for additional information or clarification, and, if we need to do that, then that may make us take a little more time to properly consider and therefore make our determination. So I would like to thank you all for coming today. We have heard what you've had to say and we will take that seriously into our account. One of the Davids will tell me if I've missed anything that I should have said in closing. No. Apparently not. So, look, I do

thank you for your time and for your patience. Thank you very much, on behalf of the three of us.

5 **ADJOURNED**

[2.07 pm]