

Emily Graham - Response in respect of Kanmantoo Bluestone Quarry Mining Lease Proposal

16 August 2020

Summary

We are concerned that the mining activity and expansion of the nature, scale and operating hours proposed in the Mining Lease Proposal are inconsistent with the right of adjoining landholders to the continuing use and enjoyment of their land which relevantly includes residential land uses.

We are further concerned that those matters described above will and will continue to impact the value of our property at 310 Sawpit Gully Road, Kanmantoo. We have previously obtained an expert valuation of our property and have the right to compensation for any diminution in value of our property over time.

Detail responses

Below we provide our detailed responses. Please note that paragraph references are to those in the current Mining Lease Proposal.

Paragraph 2.6 – Groundwater

While stating that adjacent groundwater users will not be impacted, the Mining Lease Proposal also states that the groundwater drawdown impacts as a result of quarrying will be constrained to 300 to 400 meters from the pit edge. This radius includes our dams, some of which are spring-fed and we are concerned that the reliability of our access to groundwater for primary production purposes will be reduced.

Paragraph 2.12 – Proximity to Infrastructure and Housing

Hanson should be required to include a contract provision that freight drivers not use Sawpit Gully Road. This would ensure that the encouragement described by Hanson had contractual force behind it.

Paragraph 2.13 – Exempt land

We are concerned that paragraph 2.13 misdescribes the exempt land with respect to our property. Near the southern boundary of our property there is a stone building which we use as a place of residence and which is not mentioned as requiring waiver of exemption.

The residence is currently in the process of renovation, however due to Hanson's historical dust emissions we have placed on hold our plans to convert the stone building into an eco-tourism tiny home. We plan to engage a stone mason, electrician and plumber to continue our work on the residence within the next 12 months.

We have not provided Hanson with any waiver of exemption relating to the place of residence nor the nearby dam.

Paragraph 3.4.5 - Modes and Hours of Operation

We are concerned that 24-hour operations are inconsistent with surrounding land uses including Primary Production and most importantly residential land uses. This quarry is not located in a remote area and the farm-land surrounding the quarry has been the subject of in-fill development and improvement over many years. The rights of the landholders to the quiet enjoyment of their land will be contravened by the proposed operations. We note that a paragraph

7.2.1 it is noted that *"It may be still be possible for noise generated from the operations to be audible below the Noise EPP criteria at sensitive receptor locations"*. This indicates that there will be a reduction in amenity at those receptors who may currently enjoy quiet nights. It should be noted that compliance with EPP criteria does not displace common law rights of adjoining property owners.

In addition to the hours proposed, which we object to, there is the possibility for open-ended operational hours "via request". The quarry should not be operated outside of the hours of 6:00AM to 6:00PM.

Paragraph 3.6.4 – Visual Screening

Though community engagement appears to have been extensive with respect of visual screening Hanson proposes no fixed commitments to establish screening vegetation or other visual amenity impact mitigants. Hanson should be required to establish screening vegetation plantings at each residence where a visual amenity impact is indicated. This screening vegetation planting will require at a minimum:

- Stock exclusion fencing
- Water to establishment and during drought periods
- Ongoing maintenance including weeding and attrition replacement plantings
- Fire break clearing and pre-fire season maintenance

We are disappointed that while Hanson appears to have gone to extensive lengths to show mitigated visual amenity impacts, including by the use of VR, it makes no commitments whatsoever to establish those screening plantings. It is important to note that it may take up to 20 years for screening plantings to be effective.

Paragraph 3.6.6 Site Security

We believe this paragraph misdescribed the site security and fence condition. The southern boundary of our property is extremely dilapidated and appears to be over 50 years old. When we approach Hanson about the maintenance of the fence they directed us to the owner of the land and sought to abrogate their responsibility for the condition of the fence. As a result we erected and now maintain a fence within the boundary of our property.

Hanson should be required to erect fencing typical of that used around quarry sites where there are numerous hazards to unauthorised entrants to the land. We suggest that the entire boundary should be fenced using Cyclone mesh to 1.8 metres with barb wire at the top. This will be sufficient to prevent unauthorised entry, particularly by children into the quarry.

Paragraph 5.8.2 - Air Quality

Hanson has a long history of excessive dust emissions from the Kanmantoo site commencing at around the time it became the owner of the quarry. While effective dust mitigants have been used by Hanson over recent years we are concerned that with the contemplated expansion and constrained water supply to the site dust emissions will impact nearby residential land uses.