



# Friends of the Glenfern Green Wedge Inc.

Reg. No. A0057443E

**PO Box 7114  
Upper Ferntree Gully  
Vic 3156**

5 August 2020

## **HANSON QUARRY APPLICATION FOR EXPANSION**

**Case history by Friends of the Glenfern Green Wedge Inc. and Knox Environment Society Inc.**

### **BACKGROUND**

1. Hanson Quarry is an open-cut mine located at 1140 Wellington Rd, Rowville. It has been in operation for around 30 years and covers an area of approx. 162 hectares. It produces up to 1.4 million tonnes of extractives (granite and Hornfels) per annum. Hanson is one of two quarries in the area, the other being the Boral Quarry on Summit Rd. (App.1, map). To the north and west of Hanson Quarry, high-density residential housing is predominant. Churchill National Park lies on the southern border and Lysterfield Park to the east (App.2, map). To the north east, the residential zone drops away to be replaced by Green Wedge zones. The quarry sits just outside the Urban Growth Boundary in the Southern Ranges Green Wedge and is subject to an Environmental Significance Overlay, Significant Landscape Overlay, Design and Development Overlay, and a Bushfire Management Overlay.
2. Hanson Quarry is currently seeking approval through a Work Plan Variation submitted in December 2019 to expand the mine into the south-west section of the site thereby adding another 18.8 hectares to the extraction zone.<sup>1</sup> (App.3, map) This expansion area is currently high-quality, remnant bush containing many rare and endangered species of flora and fauna (detailed below), which will be destroyed by the expansion. An area of Cultural Heritage Sensitivity applies to the area of the expansion. This should trigger a Cultural Heritage Management Plan. However, residents have not been informed as to if and when this will be done.
3. The quarry expansion will bring the excavation zone closer to residential housing. The Environment Protection Authority (EPA) recommends a separation buffer of 500 metres between the quarry and private residences (defined as 'sensitive land uses').<sup>2</sup> However, inconsistent with this, the quarry has already obtained approval for a 400-metre buffer. Residents have taken their own measurements and currently the buffer width is as low as 327 metres at its narrowest point (near the Heany Park Scout Group). The EPA requires a buffer between the quarry and the park of only 100 metres. However, the existing buffer to Churchill National Park is non-existent in parts. On the southern boundary of the quarry, overburden stone is piled into a 'bund wall' of rock approx. 50 metres high, pushing up against the wire fence and smothering trees. Severely eroded crevices can be seen at the boundary where excess water and sediment flow into the national park. (See App.4, photos).

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<sup>1</sup> Work Plan Variation submitted to Earth Resources Regulation in December 2019. It is not clear who the 'stakeholders' are (referred to on the map), but the community was not consulted.

<sup>2</sup> Environment Protection Authority Publication No 1518, March 2013, p.9.

4. Of great concern in relation to the separation buffer is the fact that to achieve a buffer, Hanson is including privately-owned land adjacent to the quarry in their calculations. The owner of the land (on Reservoir Cresc.) has been told she can never build on or develop the land as it must be retained as a buffer to the mine. Hence, the buffer is not even located on Hanson land and the private land is now worthless to the owner. Regulations for buffers are set out in the Victorian Planning Provisions Clauses 14.03 and 52.09 and are also dealt with in Planning Practice Note 89, which states:

*It is state planning policy to ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, **which are to be owned or controlled by the proponent.***<sup>3</sup>

Clearly, the buffer zone in this case is neither owned nor controlled by Hanson and is therefore contrary to regulations.

5. The Work Plan Variation also seeks to increase the mining depth by 15 metres. The base level of the mine is currently 135 metres – creating a massive crater that defies the concept of ‘environmental rehabilitation’. Residents claim that the additional excavation will also drop the skyline as much as 60 metres in places. The new approval would carry through to at least 2050. If approved by Earth Resources Regulation (ERR), the planning permit will be lodged with Knox City Council and residents will have only 14 days to object. It is unclear if residents will be notified as this has not happened in the past.

6. The new section of land that Hanson intends to mine was, until 2018, set aside as parkland – a habitat corridor link with Churchill and Lysterfield Parks. Parks Victoria was the ‘acquiring authority’. Knox Council signed the death warrant for the park in 2018, when DELWP asked Council if it would support a request from Hanson to remove the Public Acquisition Overlay as the first step in the process to expand the mine into this south-west area of the site.<sup>4</sup> Council agreed, and this was done without notifying the general community. Council stipulated a number of conditions including that Hanson would ‘provide long-term rehabilitation, landscaping, landform and land outcomes for the whole site’. Yet the mine expansion itself represents wholesale destruction of the most valuable portion of the site – the last remaining remnant bush. Council also requested that ‘any extension of the extraction limit not be moved closer to residential properties to the west side of the site and that amenity impacts on residents from quarry activities be minimised.’<sup>5</sup> However, contrary to this, the separation distances are encroaching and amenity and environmental impacts are severe, as detailed below.

7. Knox Council meeting minutes (28 May 2018) state that in return for granting the permit for the quarry expansion, Hanson will build a sports ground on the north side of the quarry. However, this is seen by many in the community as a bribe, and it does not in any way compensate for the enormous environmental destruction, damage to housing, and impact on health of residents. The expansion of the mine should be judged on its own merits, and the offer of a sports ground should not be a relevant consideration.

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<sup>3</sup> Planning Practice Note 89, February 2020, p.9.

<sup>4</sup> Knox Council Minutes, 28 May 2018.

<sup>5</sup> Knox Council Minutes, 28 May 2018, p.27.

## **RESIDENTS' MAIN CONCERNS**

8. Community concerns must be addressed in the context of the planning regulations relating to extractive industries. The most pertinent sections of the Victorian Planning Provisions (VPP) are:

- Clause 52.09:
- *To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.*
  - *To ensure that excavated areas can be appropriately rehabilitated.*

Clause 52.09-4: *Before deciding on an application to use and develop land for an extractive industry . . . the responsible authority must consider, as appropriate:*

- *The effect on any native flora and fauna on and near the land.*
- *The effect on sites of cultural and historical significance including any effects on Aboriginal places.*
- *The effect on the natural and cultural landscape of the surrounding land and the locality generally*
- *The ability to contain any emissions within the boundaries of the land.*
- *The effect of vehicular traffic, noise, blasting, dust, and vibration on the amenity of the area.*
- *The ability to rehabilitate the affected to a form or for a use which is compatible with the natural systems or visible appearance of the surrounding area . . . and so it can be used for purposes beneficial to the community.*
- *The effect on groundwater quality and the impact on any affected water uses.*
- *The impact on surface drainage and surface water quality.*

### **Damage to homes due to blasting**

9. Residents are complaining of substantial damage being done to their homes due to the weekly blasting at the quarry. This was reported on 'Current Affair' on 13 June. (The blasts are actually twice weekly, including the nearby Boral Quarry). Damage includes cracking and subsidence, and this has gradually worsened as the quarry has expanded since 2015. Some residents are attempting to sell their houses due to this and are concerned that real estate documents (Section 32) did not disclose the presence of the mine and its potential impact on their properties when they purchased in the area. As one resident explains: 'Residents report being frightened by what they thought were earthquakes, their dogs howling, babies woken up from the midday sleep, children frightened of being in the house, furniture moving around . . . cracks/damages to their properties that keep coming back after repeated repairs'.

### **Risks to community health, safety, and well-being**

10. Contrary to Clause 52.09-4, noise, vibration, and dust (including hazardous silica) from the mine and trucks transporting material to and from the quarry are posing considerable risks to public health and wellbeing (including mental health). (App.5, photos) Layers of dust coat the vegetation along Wellington Rd throughout the year. This is contrary to Section 60 of the Public Health and Wellbeing Act, 2008. The mine's operating hours from 6.00am to 10.00pm Mondays to Saturdays (including the crushing plant and with provision to extend outside these hours) are totally inappropriate in a densely-populated residential area. Council has been remiss in allowing residential development in such close proximity to the quarry.

11. Monitoring stations set up by Hanson Quarry to measure ground vibration, dust, and air blast levels are inadequate because the locations of the monitors are too far from residents' homes and do not reflect what residents are actually experiencing. One dust monitor at the park boundary was regularly showing dust levels above EPA limits but was removed by Hanson (Community Reference Group (CRG), Meeting No 23). Residents also do not believe that the monitors are in accordance with prescribed guidelines for testing and have made regular complaints to Hanson Quarry, Earth Resource Regulation (ERR), and the EPA

about the frequency of blasts and damage to homes. However, complaints have been continually rebutted and ignored.

12. The stream of heavy-haulage 40-tonne trucks entering and exiting the quarry are damaging roads and are also a source of noise, dust pollution, and fumes as well as mud and rubble falling from the trucks causing chipped windscreens and hazardous sludge on the road. Residents also accuse truck drivers of dangerous driving and have kept records to support their claims. Local councillor and mayor Nicole Seymour has acknowledged in a community internet forum that 'there is no question the speed and frequency of large trucks up and down Wellington Rd is a potential road safety issue.' Data collected by residents suggests approximately 500+ movements per day of heavy vehicles along Wellington Rd. Residents also maintain that the quarry does not have a transport policy and is operating contrary to Section 2 of the Road Management Act, 2004 and the Transport (Compliance and Miscellaneous) Act, 1983. They have attempted to contact Vic Roads and the National Heavy Vehicles Regulator, but the problems are not being directly addressed.

13. Residents have also raised safety concerns regarding ground instability and soil slippage in areas close to the mine site. The stability of slopes on steepest eastern boundary adjacent to Trig Point is of particular concern due to blasting and backfill.

#### **Impact on visual amenity**

14. The quarry is an 'eye-sore' visible from many surrounding vantage points including private residences, shops, and the surrounding parks. (App.6, photos) Also a serious eye-sore is the 50-metre high 'over burden' of rock and eroded, damaged landscapes clearly visible from Churchill National Park. (App.4, photo) Equally noticeable to walkers through the park are the stressed trees on quarry land, smothered by rock and sediment, and in the park itself, die-back of vegetation (e.g. *Leptospermum scoparium* and a variety of eucalypts) possibly affected by increased run-off and changed hydrology. (App. 7, photo) The detrimental effect on visual amenity is in contravention of Clause 52.09.

15. Extensive vegetation removal along the highly visible ridgeline has created an exposed and ugly scar of deforestation that is visible from multiple viewpoints, including from Wellington Rd. This has altered Rowville's skyline and residents maintain that the newly-proposed increase in depth of excavation will result in another 60-metre drop in the ridgeline in places. Light pollution is also a problem for many nearby residences and is likely to also have an adverse effect upon fauna. (App.8, photo)

#### **Lack of community consultation**

16. Residents maintain there has been ongoing lack of community consultation despite clear requirements to do so in the Act, e.g. Sections 77G and 77K of the Mineral Resources (Sustainable Development) Act 1990. Residents were not notified of the quarry expansion (by either Knox Council or Hanson). Hanson Quarry also failed to erect signs on the site to notify residents of the quarry expansion.

17. Residents are concerned that the Hanson-sponsored 'Community Reference Group' (CRG) does not constitute genuine community consultation but rather, it acts to promote the quarry. The CRG has limited terms of reference and Hanson is the only vetting authority. Residents argue it would be preferable if the CRG was overseen by an independent arbiter and if the public could elect representatives to speak on their behalf. According to minutes of the CRG meetings, many current members have failed the 75% attendance required and attendance is often dominated by Hanson representatives. Residents are also concerned that two family members of a Knox councillor are listed on the CRG. Knox Council's Manager of City Planning attended 15 out of 20 meetings, but residents claim he acted on behalf of the quarry rather than as an independent observer and one occasion gave a PowerPoint presentation on behalf of Hanson Quarry. The councillor representing Taylor Ward has also spoken continually in favour of the quarry and residents

maintain he has been unreceptive to and critical of their concerns. The matter has been referred to the Ombudsman and residents are considering referral to IBAC.

18. Residents report a lack of willingness by authorities to follow up complaints and provide information, e.g. they have been unable to get complete copies of the existing Work Plan Variation No 385 (ERR has told them it is confidential), and they have not been able to access the new Work Plan. Since April 2020, residents have sent over 90 complaints to ERR about the quarry's operations, many of which have simply been referred back to Hanson. The EPA has acted similarly to refer questions and complaints back to Hanson. The EPA has also conformed in writing they are unaware of the new application to expand the mine and have shown no preparedness to investigate. Residents are frequently not told whether complaints are being investigated by any of the authorities they contact. The industry is governed by a complex regulatory framework that is far from streamlined and very difficult for the public to negotiate, making it difficult to get answers, with enquiries being referred back and forth between different levels of government and responsible authorities. The response at all levels has been unreceptive to resident's concerns and biased in favour of quarry management. Continuing this pattern, the Knox Environment Society and the Friends of the Glenfern Green Wedge (also speaking on behalf of the Green Wedge Coalition) asked local member Kim Wells for a meeting to discuss the quarry but were refused (17 July). Overall, this situation has made the community feel disempowered, helpless, and without basic rights in matters that have a profound effect on their daily lives.

### **Impact on environment and biodiversity**

19. The environmental impacts of the mine must be viewed in light of the fact that there is less than 3% remnant vegetation remaining in Knox, and 19 hectares of this remaining remnant bush is about to be destroyed by the quarry expansion. Once the genetic diversity is lost, we cannot 'get it back', and this is the approach that is pushing entire species to the brink of extinction. Remnant bush can never be replaced by 'revegetation', a fact that is universally recognised (including in the current EPBC Act review) in relation to native vegetation offsets. The *Sites of Biological Significance* surveys by Dr Graeme Lorimer show that of Knox's local plant species, 39% are locally critically endangered, 23% Endangered, 17% Vulnerable, and 6% Locally extinct.<sup>6</sup> In addition, Knox has many plants and animals recorded on state and federal threatened-species lists (see below). On the quarry site itself, 95% of remnant vegetation has already been destroyed. Other areas of the site are weed infested and no care has been taken to manage this.

20. Lorimer's *Sites of Biological Significance* surveys include 3 sites adjoining the quarry (Sites 80, 81, and 82) that are of State Significance and contain numerous threatened ecological classes. An attached document prepared by Knox Environment Society (App.9) summarises Lorimer's main findings. It records 47 threatened plant species and a list of rare and threatened birds including the Powerful Owl and Speckled Warbler. Other recorded species include sugar gliders, kangaroos and wallabies, echidnas, bats, possums, and the Spotted Brown Butterfly.

21. Birdlife Australia's 'Birddata Atlas' gives a clear indication of bird species likely to occur on the quarry site in the section of remnant bush destined for destruction. A four-kilometre radius around the quarry generates a list of 270 birds, and a reduced area focussing on the quarry and the parkland reveals 180 birds. (App.10) At least 42 of these are on the 'Threatened' lists of the Environment Protection and Biodiversity Act and the Flora and Fauna Guarantee Act as well as on international migratory-bird agreements. Also, the website of State Wide Integrated Flora and Fauna Teams generates lists of species in any given area and shows that in the area of Knox, threatened species include 5 mammals, 2 fish, 3 reptiles, 2 amphibians, and 2 invertebrates.<sup>7</sup> Maintaining remnant habitat is key to their survival.

22. The damage being caused to the parkland adjoining the quarry is extensive, as a short walk in Churchill National Park along the southern boundary fence shows. The loud noise of trucks driving along

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<sup>6</sup>Graeme Lorimer, *Sites of Biological Significance in Knox*, 2<sup>nd</sup> ed (June 2010). Commissioned by Knox City Council.

<sup>7</sup> <https://www.swifft.net.a>

the southern fence-line continually disrupts the peace of the park. The lack of separation between the quarry and the national park must be urgently addressed – and the buffer needs to be on quarry land. The excess flow of water and sediment (potentially contaminated) into the national park must be dealt with as it appears to be altering the hydrology of the area and could have a detrimental effect on sensitive fauna such as frogs. Dealing with these problems might help to save the trees currently under threat. This is an ecology under stress due to mismanagement of the quarry and no duty of care for the surrounding environs.

23. Residents have been gathering data on changes in flows in water in the residential areas as well as nearby parkland. They have questioned whether the quarry has hit the water table and damaged aquifers and have reported a section of 30 metres on the north boundary where water flows continually (rain or no rain). Residents as far as 2 kilometres away have report altered hydrology on their properties, including gardens becoming 'little ponds' and 'marshlands'. (App 11, photo).

24. It is unacceptable to the community to consider expanding the quarry further into remnant bushland that is home to rare and threatened species, especially given there is so little of this left in Knox (and increasingly across the country). The concept of 'relocating' vegetation or fully 'rehabilitating' a site after such a level of devastation (App.12, photo) has been perpetrated upon it is disingenuous and it makes a mockery of the Significant Landscape and Environmental Significance Overlays on the site. The only appropriate course of action is not to destroy the vegetation in the first place. The quarry has already gobbled up 162 hectares of land and the community wants the remaining 18 hectares left as bushland – it is not much to ask if you look at the bigger picture.

25. Furthermore, it is clear from the evidence above that Hanson Quarry is not operating in a manner consistent with its statutory obligations including Clause 52.09 of the VPP and is posing a grave risk to public health and wellbeing. We all understand the need to mine for materials needed for construction but this process must be properly managed to minimise harm and to balance competing interests in a way that does not create an imbalance of 95% 'business' and 5% 'environment'– as currently exists. To not recognise this is to not understand that in the long term, our economy simply will not survive unless we look after the environment, because people's health depends on it.

Yours sincerely,

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