

## **Martins Creek Quarry Extension Project (SSD 6612)**

### **Issues raised at the community meeting at Paterson**

**Wednesday 2 November 2016**

**6:30 pm – 8:45 pm**

#### *Attendees*

- Approximately 200 members of the Paterson, Martins Creek and other affected communities
- Department of Planning and Environment (DPE) – Howard Reed, Angela Felton and Thomas Watt
- Department of Premier and Cabinet (DPC) – Tim Kirby and Sailesh Rangoon
- Dungog Shire Council (Council) – Jacqui Tupper
- Environment Protection Authority – Michael Howat
- Daracon (Applicant) – Adam Kelly and other Daracon employees
- Stuart Murray – Site R&D (Applicant's consultant)
- Elizabeth Lamb – Monteath and Powys (Applicant's consultant)

#### *Introduction*

Angela Felton welcomed the members of the community, introduced staff from DPE, DPC, EPA, Council and attendees on behalf of the Applicant. Angela explained the principal purpose of the meeting, namely for DPE officers to listen to the community's views about the Martins Creek Quarry Extension Project, which is currently on public exhibition.

#### *Overview of assessment process*

Howard Reed gave an overview of the assessment process. He:

- explained why DPE is responsible for the assessment of the project;
- outlined the process that has occurred to date (ie. environmental assessment requirements were issued by DPE, the environmental impact statement (EIS) was prepared and is currently on public exhibition);
- described how the community can make submissions on the project either online via the Department's website ([www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)) or in writing and addressed to the Director, Resource Assessments, Planning Services, Department of Planning and Environment GPO Box 39, Sydney NSW 2001;
- outlined the next steps in the process after the end of the exhibition, including that:
  - DPE will request Daracon prepare a report that responds to all submissions received
  - publish the Response to Submissions (RTS) report on its website
  - assess the project and request any additional information that may be required; and
  - make a recommendation to the decision-maker;
- identified the decision-maker is likely to be the Planning Assessment Commission (Commission) as more than 25 submissions objecting to the project are expected to be received; and
- explained the Commission's process, including that it may hold a public meeting. All submitters would be notified of the meeting and have an opportunity to make a written or verbal submissions.

During the presentation, Jacqui Tupper explained Council's role in DPE's assessment process, including that it would involve a review of the EIS and a submission to DPE.

#### *DPE responses to questions from the community about the assessment process*

In response to questions from members of the community about the assessment process, Howard Reed advised that:

- the independent Commission is made up of members appointed by the State Government and may involve relevant experts or expert advice, as required from time to time (further information is available from (<http://www.pac.nsw.gov.au/>);
- there are options under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the EIS to be revised by the Applicant;

- if members of the community do not have access to a computer or the internet, they are welcome to write submissions and send them via post or fax to DPE;
- it is important that submissions are made in writing and received by the end of the exhibition period (24 November 2016) in order to maintain objector rights under the EP&A Act and to be notified of other opportunities to comment on the project (such as during the Commission's decision-making process);
- members of the community should ensure that a submission is received within the public exhibition period (by November 24) and that any supplementary submission is received shortly thereafter;
- DPE's current view on the court proceedings by Council to enforce its development consents in the Land and Environment Court of NSW (LEC) is that this process can occur in parallel to the assessment of the development application, but this view may change in the future;
- there is a distinction between past and existing operations under Council's consent and the future operation of the quarry proposed in the development application (past behaviour of the Applicant remains a matter for Council under its development consent);
- the development application being assessed by DPE cannot consolidate the existing Council consents and a new DPE consent, however if an approval was granted by the Commission, it is likely to include a requirement for Daracon to surrender its existing consents as the new consent would apply;
- DPE will carefully review background traffic levels (and other ambient monitoring results), the extraction rate reported in the EIS and opportunities for rail access for product dispatch ;
- if an approval was granted by the Commission, it is likely to include a requirement for Daracon to surrender its existing consents as the new consent would apply;
- DPE notes the community's position that Daracon has not been listening to its issues with the project but encourages the company and community groups to renew consultation;
- DPE's meeting with some residents at Martins Creek School of Arts Hall was arranged at a short notice and contact details of residents were obtained through community group representatives;
- DPE's compliance team and enforcement capability has been strengthened and now includes substantially increased resources to enable monitoring of State significant development projects and investigations;
- DPE also has the ability to issue substantially increased penalty infringement notices to an Applicant that contravenes conditions of its consent or to prosecute such breaches;
- DPE will make available its template conditions of consent that are used to form the basis of development consents for hard rock quarry projects in NSW;
- DPE officers have carefully observed the intersection in Paterson and consider that more will need to be done in the EIS to address road safety issues at this point;
- DPE notes that potential existing impacts and/or damage to residents' houses from blasting may make it difficult to establish a baseline condition upon which future operations may be monitored and evaluated;
- it was not uncommon for an EIS to take 2 years to be prepared;
- contributions from the Applicant to road maintenance may be required in conditions of consent;
- a critical aspect of the project for the community to consider is the proposed maximum number of trucks per hour and the proposed starting time of dispatches from the quarry;

*Council responses to questions from the community about the current court proceedings*

In response to questions from members of the community about the current court proceedings, Jacqui Tupper advised that:

- there is nothing more for the community to contribute to the current court proceedings at this time;
- the case is set down for hearing on 13 February 2017;
- the proposed expanded operation would be considered by DPE;
- this is an opportunity for the community to concentrate on the issues and other specifics of the new application;

- the elected council resolved to take action to enforce the development consents which apply to the quarry;
- Daracon does not presently contribute toward road maintenance in the Dungog Shire.

*Comments made by members of the community about the Martins Creek Quarry Extension Project*

The following is a summarised record of issues raised and comments made by individual members of the community during the meeting:

*Note: these comments were made by individual members of the community and should not be taken to necessarily reflect the opinion of the broader community, or the Department of Planning and Environment.*

General comments:

- the community has no trust in Daracon or that it will do anything positive for the community;
- Daracon has not put in place any interim measures while taking a long time to prepare the EIS, while the community has a deadline for submissions;
- Daracon has not resolved any key concerns of the community despite consultation;
- it appears that Daracon has submitted the development application in order to delay the outcome of DSC's court case;
- public consultation has been applied as a 'tick the box' process;
- it may be ok to do business and make profits, but not on the back of community impacts;
- Council is broke and intimidated by Daracon's wealth;
- changing the haul route will just affect someone else;
- why has Daracon been reactive and not proactive by sorting out some of these issues;
- is Daracon doing adequate studies on threatened species impacts, watercourses and Aboriginal heritage sites?
- the EIS has taken 2 years to be prepared and contains more than 2000 pages, which the community is required to review in 6 weeks;
- potholes in some roads have been filled and fewer trucks have been on the roads during DPE's visit;
- Daracon paid for repairs to a resident's car damaged by a truck trailer. This demonstrates the roads are not designed for big trucks;
- there are so many people affected by numerous impacts that it does not seem that Daracon will be able to address all issues – how does this get approved?
- Daracon has previously indicated that it would operate to the maximum of whatever consent it obtains;
- that jobs on the railway line may be preserved if Daracon dispatches more product by train;
- one member of the community stated that they support the project as it provides local employment;

Traffic and transport:

- it was originally a small quarry with rules and regulations applied (ie. 70% of material to be dispatched via rail) in order to protect people along haul routes;
- 30% of material dispatched by road would still be a large volume;
- haul trucks are very loud, particularly when they are empty and travelling to the quarry to collect loads;
- haul trucks travel very fast past residences;
- the cost of road transport is more to the community, than it is for Daracon to use the rail siding for dispatch;
- during background monitoring for the preparation of the EIS, truck volumes were reduced;
- some residents live very close to the haul route in Paterson and are woken by trucks passing at 5:45 am, 6 days a week;
- trucks arrive before the quarry opens and line up near residences in Martins Creek, which wakes residents up in the morning;

- Daracon's truck drivers are good and the community recognises that Daracon can manage people on the quarry site, but it's contract drivers are the issue, particularly in terms of road safety;
- Daracon's trucks are a minority and the majority are contracted drivers;
- many people have had cracked windshields from travelling behind, or near haul trucks;
- Daracon should buy land to park early arriving trucks and keep them off roads;
- if one haul route is closed, trucks will travel down other routes;
- Daracon has not consulted neighbours near the proposed haul road entrance on Dungog Road;
- is Daracon's proposed volume of trucks an ambit claim so they can get through their desired level of trucks per hour?
- residents hold road safety concerns regarding truck traffic near bus stops and schools;
- material should be transported by rail to Hexham and distributed by road from there;
- some trucks travel below the speed limit and delay local traffic;
- residents have often been advised by Daracon when reporting trucks to the quarry that they are not Daracon trucks and cannot control them;

#### Noise, vibration and blasting

- the noise from haul trucks is very loud and they speed;
- residents in View Street, Vacy are affected by blasting, which shakes and cracks houses and damages personal items;
- blasting in the last 6 months has been the worst and sound like an earthquake;
- if the blasting gets worse, residents will have a major problem;
- evidence of slab cracking two mountains away may be from blasting;
- houses should be inspected before an approval is granted;
- no notice of blasting is provided to the community;
- consider suppression blasting, which is commonly used in the USA;

#### Air quality

- diesel emissions are a carcinogen and affect people's health;
- residents are concerned about air pollution impacts, particularly on the health of children and whether this contributes to asthma conditions;

#### Lifestyle and property:

- the quarry operation is destroying people's lifestyle and impacting property prices;
- the community is not trying to stop the quarry, but want it manageable and not ruining lives;
- people don't want to move, but to coexist;
- some residents have moved to the area for a better life and fresh air;
- while the traffic study may be able to implement a solution in Paterson (eg. barrier in the road to separate lanes), this does not address impacts to the fabric of the village;

During the meeting, one member of the community proposed a motion to reject the expansion of the quarry and urge the State Government and Council to monitor and enforce the current consents and progress the court case. A show of hands was taken and it appeared the great majority in attendance were in favour of the motion. No show of hands was taken for those against the motion.

The Martins Creek Quarry Action Group (MCQAG) advised that it will be assisting residents to lodge submissions out the front of the Paterson post office on 5, 6, 12 and 19 November.