

Martins Creek Quarry Expansion – Application SSD 6612

Martins Creek Quarry was established in the early 1900's and was operated by the crown as a rail ballast quarry. In recent years the quarry operation has changed from one that exported rail ballast on rail into a construction material quarry that transports product primarily by truck.

Output from the quarry has allegedly been illegally intensified by the previous operator Railcorp and the current operator Daracon; from the 1991 EIS consent annual limit of 300,000 tonne to a 2014 record of +1,400,000 tonne. There is a current proposal for 1,500,000 tonne per annum expansion for the Martins Creek Quarry. The proposal being exhibited is an amendment to the 2016 EIS and SSDA that was previously exhibited in November 2016 and follows on from the largest decision in the NSW Land & Environment Court history that in 2019 led to the operator of the quarry being restrained from unlawful operations at the site which it had been conducting since 2012.

All signatories strongly oppose the Martins Creek Quarry Expansion for the following reasons:

- A. based on the history of the company and their unwillingness to comply with their license
- B. the negative ramifications for the community
- C. the EPBC Act regarding environmental damage and loss of habitats and threatened species.

A. History of the company

1. Daracon's past unlawful operations as they do not have a good track record, show that they are non-compliant with their license. There has been a history of ongoing controversy since 2014 and non-compliance. Even back in December 2016 Dungog Shire Council (DSC) took court action. The main points were the annual tonnes being extracted far exceeded the 300,000, and that 70% was not going by rail but rather by road, and that various land use rights were being breached. Dungog Shire Council and the community had concerns that the scale of those operations affected the environmental assessment. Residents residing near the Quarry itself or along the transport Haulage routes were severely affected. The Martins Creek and Paterson communities have over the past 10 years had their amenity and health negatively affected by excessive truck movements. The 300,000-tonne rate is what Dungog Shire Council claimed in their court action to be the Quarry's current licensed rate. Daracon over time has continually wanted to increase the annual tonnes limits.
2. The current project has failed to mitigate previously experienced impacts so what guarantee is there that the company will address new impacts if this current proposal to expand is successful.
3. Daracon have a history of systematically delaying court cases, slow at progressing the EIS and responding to submissions, resubmitting versions of the EIS for 1.2 and 0.9 mtpa increases. With Daracon's stated position on '*reserving their right to only adopt any new consent if it does not disadvantage Daracon.*' It seems that they want and demand the right to operate their quarry only on their terms. They continually change the goal posts to suit themselves and of course increase their profit margins.
4. Daracon's operations have been or are currently in breach of the conditions of the consent or licence to operate the quarry. They believe they have an unrestricted license to operate the Martins Creek quarry. They pay no levies for roads, operate the quarry without the costs and restrictions that other quarries have, and will win whatever contracts they can to make a profit, with no compassion or understanding for residents for the road damage, noise and air pollution they cause or the damage to the environment or its wildlife even extending their areas of work past what is allowed.
5. In 2018- Dungog Shire Council brought action against Daracon for 11 breaches of the conditions of consent for the operations of the quarry. '*Contrary to the current development consent, Daracon are unlawfully extracting rock other than primarily for railway ballast, quarrying beyond the area to which the consent applied, dispatching a greater percentage of material by road than was allowable.*' In September 2019 Martins Creek Quarry abruptly closed revealing that it had made more than \$100 million since 2012 and a "significant amount" was "unlawfully obtained". Daracon were operating the quarry well outside the consent

and therefore illegally. It was also given valid conditions for operations as a railway ballast quarry and clearly this had not been followed.

6. Fast track to today up to June 2021. The proposal being exhibited now is an amendment to the 2016 EIS and SSDA that was previously exhibited in November 2016 and follows on from the largest decision in the NSW Land & Environment Court history that in 2019 led to the operator of the quarry being restrained from unlawful operations at the site which it had been conducting since 2012. This planning process is independent and unrelated to the court action.
7. The Amendment DA is seeking approval for the following;
 - 1,100,000 tonne per annum extraction for 25 years. Although on council website the Martins Creek Quarry Project proposal involves the extraction of up to 1.5 million tonnes of material per annum, comprising of andesite hard rock, expansion into new extraction areas and the consolidation of existing operations and approvals.
 - clearing of 21Ha of native vegetation containing EPBC threatened species (Koalas, Slatey Red Gums, swift Parrots, Regent Honey eaters and Spotted Quails)
 - 600,000 tpa transport of product by rail from the site
 - 500,000 tpa transport of product by road. This will lead to 280 truck movements **per day** (peak) 140 loaded/140 empty- this impact that an extra 280 truck movement/day will have on the queues and congestion of the local community must be considered. In other words, 40 truck movements **per hour** (peak) 20 loaded/20 empty- constant noise, pollution and congestion.

B. The negative ramifications for the community

1. The loss of safe neighborhood streets for children to play on after school.
2. The depreciation in property values impacted by pit operations and mining haul roads.
3. A down-turn in local businesses trading in goods & services, hospitality, tourism and wedding functions along haul roads.
4. A loss of amenity for surrounding residents near the site who will be further impacted by ongoing vibration, lighting, noise and dust.
5. This proposal involves the extraction of 1.5 million tonnes of material per annum, a huge amount, comprising of andesite hard rock. A very vague description as to the amount and sheer volume of work involved and left to interpretation to give free license by Daracon to work on a massive scale and increase their development over time which is not clearly and transparently revealed.
6. Hard rock means constant noisy drilling (noise pollution) which will affect residents and wildlife in the immediate area.
7. The Martins Creek Quarry Expansions (MCQ) expansion plan is a totally un-acceptable and an incompatible land use development.
8. Any Martins Creek Quarry expansion approval must limit extraction by road to the existing approved limit of 0.3 MMtpa and the operating hours of the quarry be limited to 5 days per week operations 7am to 5pm to give residents more peace and quiet in the area. It would be dreadful for the community to have operating hours from 7.00 am to 6.00 pm Monday to Saturday. Road haulage of quarry product will occur Monday to Friday, but rail haulage will be ongoing 24/7.
9. The poor infrastructure, particularly the Gostwick bridge and many inadequate intersections and road sections, and the impact on amenity, employment, and the businesses in Paterson (with and without the proposed intersection changes) and along the haul routes is an ongoing concern to residents.
10. Over the years there has been a failure by Daracon to not properly consult with residents. They have shown little desire to negotiate and propose some voluntary restrictions. Daracon has not listened to the concerns of residents nor modified their proposal to mitigate any of the valid concerns raised by the community. The objections contained in the submissions to the EIS are the same objections that were raised when the expansion was first proposed. There has been continuing arrogance by Daracon to not listen to the community as to their ongoing concerns.
11. Other quarry projects have had their numbers of trucks and haulage times severely restricted when travelling through villages like Paterson. Daracon appears to be above the law. The DPE should impose significant levies on truck haulage to pay for the very expensive road upgrades required for the volume of

trucks allowed in a new consent. The heavy use of the roads is damaging this infrastructure and the taxpayer are footing the cost when the quarry company are doing the damage. We would assume the DPE would severely restrict road haulage and want higher quantities to go via rail to save this cost.

12. Expansion Impacts- From the Amended Development Application (ADA) there are still likely impacts that will occur. The impacts summarised below are supported by the 'lived experiences' of impacted residents during Railcorp and Daracon's unlawful operations at the site that occurred between 2007 and 2019. The impacts have been categorized by where residents live.

Area	Impact
All areas	Loss in social and community amenity Reduction in property value Road safety Infrastructure deterioration Loss of amenity in activity centres (i.e. Paterson)
Martins Creek Village & Surrounds	Existing blasting impacts and damage Existing dust impacts from crushing and processing Existing noise from processing and truck load out Existing noise from rail loading
Vacy	Existing blasting impacts and damage Existing dust impacts from crushing and processing Existing noise from processing and truck load out Existing noise from rail loading
Paterson	Early morning impact due to sleep disturbance truck noise Impacts to an activity centre being a place where people come to shop, conduct banking, fuel, socialize etc (reduced car parking, less patronage, reduced visitations, reduced commerce, reduced tourism) Air impact from diesel residue and dust from loads Loss of village amenity (the pleasantness of living in a rural village) Impacts to historical buildings Impacts to pedestrian and road safety
Bolwarra Heights, Bolwarra, Brandy Hills, Butterwick, Woodville and Lorn	Early morning impact due to sleep disturbance from truck noise Loss of residential and large lot scenic amenity (the pleasantness of living in a residential area) Impacts to historical buildings Impacts to pedestrian and cyclist road safety

13. With increases of 1,100,000 tonne per annum extraction up to 1.5 million along with continual blasting, noise and poor air quality, impacts for the community and especially those people with underlying poor health could be exacerbated even further. The community have raised these ongoing issues with council prior.

C. EPBC Act regarding environmental damage and loss of habitats and threatened species

1. The Impact Assessments should consider and address combined cumulative impact of both Martins Creek and Brandy Hill Quarries which it has not be done. A discussion of Martins Creek Quarry involves the Brandy Hill Quarry expansion within this context. The haulage routes are used by both Martins Creek Quarry and Brandy Hill Quarry operations. The Martins Creek Quarry is only 23.5 Km away from Brandy Hill Quarry which **has** impacted the wildlife there. How have the wildlife corridors progressed for this area? Brandy Hill Quarry expansion has had a significant impact on wildlife and koalas. 'DESTRUCTION of 45 hectares of bush is likely to have a "significant" impact on the national koala population,' says a report for the NSW Department of Planning. The proposed Brandy Hill Quarry expansion was noted to "**adversely affect habitat critical to the survival of the koala species**", said the report which coincides with an Australian Koala Foundation warning that habitat destruction has left koalas "functionally extinct." This quarry has affected the ability of our wildlife to survive because of the destruction of their habitat, and the Martins Creek expansion will do exactly the same thing. The koalas within these surrounding areas are severely impacted.
2. The Martins Creek Quarry Expansion Project (EPBC 2016/7725; SSD 6612) will result in a loss under the EPBC Act of threatened species habitats and corridors. On 21 July 2016 under the Environment Protection and

Biodiversity Conservation Act 1999 (EPBC Act) determined that the Martins Creek Quarry Expansion Project **will impact** upon the following matters of national environmental significance (MNES) protected under this Act: – Wetlands of international importance (Ramsar Wetlands) (sections 16 & 17B); and – Listed threatened species and communities (sections 18 & 18A). So, if this was acknowledged back in 2016 regarding the damage to internationally listed Ramsar Wetlands and identified threatened species, why are we revisiting this proposed expansion again? Assumptions are made that this quarry is closely aligned with the government's own priorities regardless of the environmental consequences.

3. Additionally, proposed expansion into new extraction areas whilst still continuing existing operations and approvals will result in even more damage of the environment and further fragmentation of wildlife habitat and corridors.
4. Questions arise on the assessment this company undertook of all the protected matters that may be impacted by the development. Was this information and conclusions a fair portrayal of the 'true' impacts on the environment and wildlife? Structures to be built or elements of the action (constant noise/drilling/road haulage) **will** have impacts on matters of national environmental significance (MNES) which has been underestimated. Research has shown that excessive noise pollution particularly impacts koalas who experience stress which then effects their immune system, which can then lead to them being more prone to chlamydia.
5. A truthful and transparent assessment of the relevant impacts of the action on Ramsar wetlands and threatened species and communities is highly recommended, including – a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short-term and long-term relevant impacts, on all the threatened species and communities.
6. Impacts on critical habitats need to be examined further and without bias. Page 127 RAMSAR WETLANDS OF INTERNATIONAL IMPORTANCE The Guidelines for preparing Assessment Documentation relevant to the EPBC Act 1999 for the Martins Creek Quarry Expansion Project (EPBC 2016/7725: SSD6612) (AGDoE 2016a) have identified that the proposal has **potential to impact on the Hunter Estuary Wetlands RAMSAR site** and the level of potential impact should and must be further investigated. The project site is located 20-30 km upstream of the Hunter Estuary Wetlands Ramsar site, and about 1 km from the Paterson River, a major tributary of the Hunter River which flows into the Ramsar site. Minor tributaries to the Paterson River run through the project site. The location of this quarry so near these river systems is a very important consideration to maintain the health of these wetlands and its wildlife.
7. What effects have there been to these wetlands, particularly flora and fauna species have occurred since 2016 as this needs to be tabled BEFORE an expansion of this mine quarry is even approved? What credible data can this company produce to validate that there have been no adverse effects to species and wetlands? In the Biodiversity Assessment Report in Aug 2016 Recovery plans had been *prepared* for the following species within potential habitat present within the subject site: Green and Golden Bell Frog; Regent Honeyeater; Swift Parrot; Barking Owl; Powerful Owl, Masked Owl and Sooty Owl; Koala; Yellow-bellied Glider; Grey-headed Flying-Fox; and Large-eared Pied Bat. Have these recovery plans been successfully **implemented**? If so, what are the results? If not, the adverse effects concerning species survival and local occurrence is likely to be placed at risk of extinction. This would be an absolute failing of Daracon and for this reason alone the expansion proposal must be denied.
8. Regarding flora approximately 6.3 hectares of the Spotted Gum (Narrow-leaved Ironbark shrub) present says that the proposal will reduce the extent of the Spotted Gum by approximately 3.7 hectares. This impact is proposed to be offset in accordance with the NSW Assessment of Significance- Conacher Consulting Biodiversity Offsets Policy. What Offset has been made for this flora remembering that a biodiversity offset is 'like for like'. Biodiversity offsets must be put into practice and not just intended or written about in proposals. Often companies do this to get expansions or projects passed in the first instance with no priority to compensate the biodiversity losses that occur over time with the development. With Daracon's unwillingness to abide by past licence agreements and their dealings with the Land & Environment Court, these past issues raise concerns regarding the company's ethics and code of conduct in doing what they are supposed to do to protect habitats and species and compensate appropriately and fairly through the Biodiversity Offsets policy what has been lost in the environment regarding flora.
9. The assessment of impacts on the areas of wetland being destroyed or substantially modified needs to be addressed better. Has there been a substantial change to the volume, timing, duration or frequency of ground and surface water flows to and within the wetland? Has the habitat or lifecycle of native species, including invertebrate fauna and fish species, dependent upon the wetland been affected? Has there been a measurable change in water quality of the wetlands (salinity level, pollutants, nutrients or temperature) that may adversely impact on biodiversity, ecological integrity and social amenity or human health? Have invasive

species harmed the ecological character of the wetlands? What mitigation and management measures if any have already been used by Daracon? An independent investigation and assessment **are** warranted especially regarding the past history of this company and previous breaches. In clear breaches back in 2018 a judge issued restrictions that operations must abide by an Interim Environmental Management Plan (which was coincidentally volunteered by Daracon), that must be fully implemented within 3 months. Was this done and if so, how accurate and truthful was this considering the company's past illegal practices? This company appears to continually get away with breaches with allowances to make good with little follow-up of the remediation work, then wants to expand their project to cause even more environmental damage.

10. The Department of the Environment and Energy's Environment Reporting Tool (ERT) identifies that 26 threatened species and communities may occur within 5 km of this proposal. Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to: – Slaty Red Gum (*Eucalyptus glaucina*) – Vulnerable; – Koala (*Phascolarctos cinereus*) combined populations of Qld, NSW and the ACT – Vulnerable; – Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered; – Swift Parrot (*Lathamus discolor*) – Critically Endangered; and – Spot-tailed Quoll (*Dasyurus maculatus maculatus*) SE mainland population – Endangered.
11. In relation to the fauna and flora impacts these have been "detailed" in the proponents Biodiversity Assessment Report (May 2021), and the consultant report finds that several the above EPBC threatened species '*could reside*' but haven't been found on the site. However, the community have photographic evidence that **all** have been located and sighted on land immediately adjoining the site, and this study prepared by Martins Creek Quarry Biodiversity Assessment Report May 2021 has therefore **understated** the impact likely to occur with the removal of this habitat to get this proposal approved. The consultant was contracted by Daracon to deliver a report that would assist the quarry to be expanded. The number of 'scats' collected to deliver evidence as to the species occupying the area is not good enough. **Transparent, independent reporting** on the population of wildlife in nearby habitats must be commissioned again, and not employed by the company who wants a good report to permit their proposal to go through unchallenged.
12. In the Martins Creek Quarry Biodiversity Assessment Reports May 2021. Page 42 Spotted-tailed Quoll *Dasyurus maculatus* listed Vulnerable status (NSW) and Endangered (Nationally) was not observed during targeted surveys and was still recorded as 'able to withstand loss (yes) even though NSW status listing is vulnerable. Even the green and golden bell frog on page 50 again was not observed during targeted survey but listed as endangered on NSW listing and yes it can withstand loss in the area. Page 52 Table 4.3 lists all species as vulnerable and the Grey-headed Flying-Fox and the Button Quail cannot withstand loss, but our koala can withstand loss to its habitat. This appears to be a contradiction or is it to justify more clearing of koala habitat to the community, especially considering the public and emotive exposure of this iconic species being on track for extinction in the next few decades. Eastern Coastal Free-tailed Bat was recorded within the site during previous ultrasonic call recording surveys undertaken in 2007 (Umwelt 2009). This species was not observed during current surveys undertaken by Conacher Consulting. Many species observed previously are no longer around possibly due to fragmentation of their habitat meaning *their survival as a species has already been affected and possibly localised extinctions due to this quarry development in the first place*. On page 104 the Speckled Warbler was recorded in 2007 just outside of the quarry lands (Umwelt 2009). This species was not observed during current surveys within the site undertaken by Conacher Consulting. Its habitat has obviously been destroyed and so has the Speckled Warbler due to this quarry.
13. Table 5.2 Page 115 refers to land changes such as soil erosion and sedimentation listed as moderate impact, habitat fragmentation or isolation- moderate to high impact and the impact duration listed as 'permanent impact'. So, habitat fragmentation is permanent and, in all likelihood, will have a high impact on our species. There is the 'potential for moderate alteration to ecosystem components and function, loss of genetic diversity and altered pollination syndromes that may adversely affect seed, set as high and a permanent impact intensity.' This is an alarm bell a 'high permanent impact intensity'. Insects particularly bees are the master pollinators that enable flora to flourish. If we destroy the habitat where these pollinators function, the capacity of ecosystems to flourish and survive will be damaged and this will have enormous ramifications for all wildlife to survive.
14. The environmental impacts have been understated. From the Martins Creek Quarry Biodiversity Assessment Reports May 2021 expanding the existing quarry to extract and process up to 1.1 million tonnes per annum (Mtpa) of hard rock material over 25 years; and transporting up to 500,000 tonnes per annum (tpa) of quarry product via public roads, with up to 600,000 tpa product transported via rail with extension of the rail spur and work to facilitate longer trains to transport more quarry product will have ongoing negative effects on the environment and its wildlife.

Conclusion

Communities and commerce within the existing Maitland Hinterlands and Paterson Valley districts are thriving; with local agriculture, residential construction, equine industry and services, tourism, wedding venues, hospitality and agricultural tertiary education all providing jobs and economic support to the region. According to 2011 Australian Bureau of Statistics for the Dungog Shire these sectors provide 1719 local jobs. An expansion of hard rock mining which pays no state royalties and contributes little to the local economy will place at risk many of these local jobs and local businesses as well as have a detrimental affect on the standard of living for the community.

Finally, the EPBC Act which was reviewed by Graeme Samuel has been a failure for our wildlife and the environment and is fundamentally flawed. Unlisted and even listed threatened species and ecosystems are not receiving the protection they need and are entitled to under the Act. Such as the failings of this system that have allowed assessments and approvals to take place with little or no scrutiny by the government to protect our wildlife and their habitats. As this proposal and past actions by Daracon demonstrates, we need transparent environmental assessments and holding decision makers (the government) and corporations (Daracon) to account if they fail their obligations to protect critical habitats (Ramsar Listed Wetlands), fauna and flora. The protection of these critical habitats for threatened species and mandatory implementation of specific species recovery programs should and must be implemented. For the reasons discussed above **we firmly oppose the Martins Creek Quarry Expansion proposal completely.**

Yours sincerely

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