

**The Hon. Rob Stokes, MP  
Minister for Planning and Public Spaces  
52 Martin Place  
SYDNEY NSW 2000**

**31 July 2021**

**Via Planning Portal**

**RE: Martins Creek Railway Ballast Quarry SSD6612 (the Proposal) – Objecting Submission**

Dear Minister

Please find attached an objecting submission in relation to the exhibited Amended Development Application SSDA6612.

I can confirm the authors of this submission have tertiary qualifications in Planning Law, Engineering, Social Sciences and Environmental Sciences.

I also confirm our association has not made any political donations.

Yours Faithfully



James Ashton MCQAG Secretary

## Introduction

1. We refer to the undated notice of exhibition of an Amended State Significant development application (**SSDA**) on the Department of Planning Industry and Environment (**DPIE**) website which invites written submissions during the exhibition period as part of the planning and assessment process of the proposed expansion of Martins Creek Railway Ballast Quarry SSDA 6612 (**the Proposal**).
2. Martins Creek Quarry Action Group (**MCQAG**) is an incorporated community organization formed to represent members and the community who were severely impacted by the past unlawful operations and now will be impacted again, if approved, by the proposed expansion plans of Martins Creek Railway Ballast Quarry at Station Street, Martins Creek (**the Site**). Our members reside in Martins Creek Village, Vacy Village, Paterson Village, Paterson Valley Estate, Duns Creek, Woodville, Butterwick, Brandy Hill, Wallalong, Bolwarra Heights, Bolwarra, Lorn and East Maitland.
3. We write to object to the Development Application by Buttai Gravel Pty Ltd (Daracon – **the Proponent**) and its accompanying Amended Development Application (**ADA**) and Response to Submissions report (**RTS**) prepared by the proponent and exhibited between 2<sup>nd</sup> of June and 31<sup>st</sup> of July 2021. We understand that the ADA is an amended development application made to the previously exhibited Environmental Impact Statement (**EIS**) exhibited between 13<sup>th</sup> October and 24<sup>th</sup> November 2016.
4. In particular, we set out in our submission below a number of concerns which we have with the ADA and request that relevant principles of case law be adopted in the assessment and decision-making process.
5. Based on lived experiences of previous unlawful operations the proposed expansion and change of use at Martins Creek Railway Ballast Quarry (**MCRailwayBQ**) as presented within the ADA, if approved, will seriously and adversely impact upon the amenity of multiple communities within Paterson River Valley and Maitland Hinterland.
6. These areas are made up of thriving urban and rural communities that have significant built and natural environmental values and in their own right are activity centres, meeting places, residential populations and above all place in which people love to live.
7. These communities are valued by residents and visitors alike for their rural amenity, character, ambience, scenery, natural beauty, European settlement and aboriginal history and as areas where the pleasure of neighbourhoods and outdoor surrounds can be enjoyed.
8. Our association's concerns about serious and adverse impacts are not based upon unfounded fears or perceived outcomes from a proposed development. These are

**real** concerns and are based on our committee's, membership's, residents' and communities' lived experiences, already having **endured and experienced the impacts from previous unlawful operations** which have occurred on and from the site between 1998 and 2019.

9. We note that the current operator of the facility (and proponent of the ADA) has been the subject of multiple investigations and enforcement notices by the NSW EPA relating to breaches of existing EPL conditions at the site. The proponent has also been the subject of five adverse NSW Land & Environment Court<sup>1 3 4 5</sup> and NSW Supreme Court<sup>2</sup> decisions relating to operations at the Site. We question the proponent's commitment to the community and the environment within which they operate on the basis of these breaches and the adversarial nature of their approach to "attempted" uses of land at the Site.
10. Martins Creek Quarry Action Group has at no time advocated for the closure of MCRailwayBQ. Rather our committee acknowledges the importance of high-volume low value construction materials won from quarry facilities as a commodity for the construction sector and for the broader benefit of the state regarding construction of infrastructure. We also acknowledge the historical significance of the Site, it has co-existed as a rail ballast quarry and provided local employment for ~100 years within these communities.
11. To inform the DPIE staff performing the assessment of the Proposal we have attached extracts from the existing 1991 Consent conditions issued by the current consent authority Dungog Shire Council and the 1990 EIS. The 1991 consent was the subject of an EIS that assessed the impacts of a 300,000tpa extraction facility involving 24 truck movements per day and 70% of product being moved from the Site by rail. The consent conditions were issued over the development to protect the environmental values of the area and preserve amenity of impacted and neighbouring residents.
12. Since the Proponent was restrained from unlawful operations at the Site, residents and our financial members have experienced a new normal, one that is free from endless convoys of quarry trucks day in and day out, one that is free from fearing for our families' lives as they make an attempt to cross the village roads or access Paterson commercial precinct, one that is free from intense extractive operations with blasting, crushing, earthmoving activities and associated industrial scale dust and noise impacts. This new normal "baseline" is the status quo of MCRailwayBQ operating not under "limited operations" as the Proponent claims but we say, "lawful operations".
13. Our committee seeks that the facility be required to operate on a more reasonable scale than that asserted within the ADA and that it continues to co-exist within the communities that surround the Site and the haulage routes. The facility should operate in a manner and with modern consent conditions such that the local amenity of residents adjacent to the Site and haulage route is preserved. We have detailed in the sections below results of MCQAG research into other modern quarrying facilities in New South Wales that have put into place reasonable and feasible mitigations to achieve these community focused outcomes.

14. Whilst we understand that the DPIE assessment of the ADA will be focusing on the matters detailed in 4.15 of the Environment Planning and Assessment Act (**the Act**), relevantly we understand from our meeting with DPIE Staff (Mr Sprott and Mr McDonough) on the 22<sup>nd</sup> of June 2021, that the DPIE will be referring to all SSDA documents as part of the assessment process however the parameters and mitigations detailed in the ADA will form the basis of the stand-alone merit-based assessment of the Proposal against the current lawful baseline.
15. We submit that the Proposal as exhibited fails to acknowledge key issues around noise, dust and vibration emissions from the Site and social impacts of the trucking of product from the site along the haul routes. When one has regard for the current lawful base line (not the 2016 proposed scale) the Proposal lacks any amelioration of impacts already experienced and is therefore an incompatible land use development as detailed in our submission below

## Summary of Concerns

- Via this State Significant Development planning process, the proponent is amongst other things *seeking approval for continued operation of a State Significant quarry, important to supply quality materials for the NSW construction industry, in accordance with a modern development consent. A contemporary development consent will provide clarity for Daracon and all relevant stakeholders on approved operations, including all reasonable and feasible controls to minimise environment and community impacts, going forward.* The current consent authority undertook four years of court proceedings against the Proponent in the Land & Environment Court and Court of Appeal in regard to the un-lawful operations that were occurring at the site between 2012 and 2019. Those Court decisions found that the 1991 consent was valid and permitted use of the land only as a quarry primarily for the purpose of winning material for railway ballast, in breach of which the appellants had since 2012 (and Railcorp before them) used the land otherwise than primarily for winning railway ballast, in breach of the Environmental Planning and Assessment Act 1979.

***We request that the DPIE's assessment of the Proposal give no regard to the statements, data and baseline data containing past unlawful operations at the Site. Furthermore, we request the Minister to consider the ADA to be an application for a new development not an extension of an existing development consent in the same way the Minister would if this was an application for a pub with poker machines that sought an approval to be converted into a casino, the genus may be similar but the use will be new and different.***

- The magnitude of operations proposed within the ADA are similar and, in some cases, greater than the operations from the facility that the Courts found was unlawful. The magnitude of operations proposed within the ADA are an order of magnitude larger than those currently authorised under existing consents and that has been previously assessed in the 1991 EIS. Numerous environmental assessments in the ADA have incorrectly incorporated the unlawful operations

within base line environmental assessments as discussed in later sections in this document. Numerous study conclusions have asserted that the residual impacts of the Proposal are acceptable because they are a reduction from what was proposed and exhibited in 2016.

***We request the Minister to require the Proponent to revise the ADA to record current lawful base line data absent the unlawful operations at the Site and along the proposed haulage route, such that the existing impacts are documented to be no greater than those approved via the 1991 consent issued by Dungog Shire Council i.e. 300,000 tonne per annum extraction, wining material for the purpose of ballast, 24 trucks per day, extraction from Lot 5 only and 30% of product by road only.***

- The impacts from past unlawful activities both onsite and offsite are significant and in some cases intolerable for many of our members. As detailed above the environmental baseline now experienced by impacted residents provides the community with a “wonderful new normal”. The lived experiences and impacts (that will almost certainly return if the ADA is granted an approval) that we discuss later in this document have been wilfully ignored by the Proponent within the ADA.
- The ADA and the RTS at Section 13.1.7 have continued to ignore the impacts to the activity centre of Paterson. The ADA and RTS has failed to note and acknowledge that residents’ submissions and attendees to CAF forums on traffic who contended at the time that the proposed hourly and daily scale of operations now incorporated into the ADA would result in unacceptable impacts to the village amenity of Paterson and on the activity centre function.
- The Proposal does not satisfy the objectives of RU1 primary production zoning the land upon which the development is proposed. The Proposal does not satisfy and is in conflict with the zoning objectives of land immediately adjoining the Proposal area being R5 Large Lot Residential of Paterson Valley Estate and RU5 Village of Martins Creek. Furthermore, the Proposal does not satisfy and is in conflict with the zoning objectives of land immediately impacted by the proposed haulage routes being RU5 Village of Paterson and R5 Large Lot Residential of Bolwarra.

**We respectfully submit that the operation that is of the magnitude and scale proposed within the ADA be refused.**

## Misleading Information

16. As was the case in the previously exhibited Monteath and Powys 2016 EIS, once again, the reader of the ADA is presented with misleading and erroneous information. The mis- information is summarized below.

- ADA Executive Summary page 1 par 3: *In 2012 Daracon has secured a long-term licence of the quarry and continued operations to produce high quality*

*aggregates, ballast, road base, gabion and other specified materials used in road, railway, concrete and civil construction.* The preceding statement from the ADA is misleading. His honour Justice Molesworth notes in **Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018]** (671) that:

*The evidence demonstrates that:*

*(a) in 2009 RailCorp formed the view that it would withdraw from the Martins Creek Quarry as it was surplus to its needs.*

*(b) in 2010 RailCorp intended to sell its interests in the assets situated at the Martins Creek Quarry but was not prepared to sell it as a going concern.*

*(c) as at 28 November 2012 this remained the position; and*

*(d) the Asset Sale Agreement executed on 30 November 2012 as between RailCorp and HIRE was for the sale/purchase of assets only and not the quarry as a going concern and no warranties were made by RailCorp as to the existence of any approvals to operate the assets.*

**Railcorp abandoned Martins Creek Railway Ballast Quarry, and Daracon resumed operations at the Site contrary to its own legal advice noting that lawful approvals over the Site were doubtful. In performing a standalone merit assessment of the ADA, we request the Minister to give no regard to claims and statements made about past operations occurring at the Site.**

- ADA Executive Summary page 5 para 2: *The Revised Project seeks the capacity for ongoing supply of construction material to regional markets of the Hunter and Central Coast, local markets, major regional infrastructure and to supplement Sydney markets.* The preceding statement from the ADA is misleading. His honour Justice Basten<sup>2</sup> declared in **Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council [2019] NSWCA 147** that the consent to development application 171/90/79 granted by Dungog Shire Council (“the consent”) permitted use of the land only as a quarry primarily for the purpose of winning material for railway ballast, in breach of which the appellants have since 2012 used the land otherwise than primarily for winning railway ballast, in breach of the Environmental Planning and Assessment Act 1979 (NSW) (“the Planning Act”), s 4.2(1)(a).

**The Proponent does not have consent or authority for any ongoing supply of construction material from the Site. The Proponent only has authority for ongoing supply of railway ballast in accordance with the Court of Appeal orders. The Proponent more correctly is seeking a NEW approval, to provide NEW supply of construction material .... In performing a standalone merit assessment of the ADA, we request the Minister to give no regard to claims and statements made about its past or present ability to provide “ongoing supply” to general construction aggregate markets occurring at the Site.**

- ADA Strategic Need Section 3.1.1: *The following quarry product categories or market sectors have been supplied by the quarry: Aggregates, manufactured sand, pavement construction, rock and gabion. **As is detailed above, that production and supply was of an unlawful nature. We request the Minister to give no regard to claims and statements made about its past or present market sectors and products supplied” to general construction aggregate markets occurring at the Site.***
- ADA Products 3.1.3: *Whilst the quarry primarily produces high quality ballast and aggregates, it also focuses on the design and manufacture of high-quality road pavement materials, in particular Stabilbase (RMS Dense Graded Base) and Stabilstone (RMS Heavily Bound Base). These high-quality pavement materials are produced during the crushing and screening process and then blended through a pugmill on site. Frequently, these materials are difficult to source readily as evidenced during 2020 without the availability of the quarry **As detailed above, the product type processed and manufactured at the Site was of an unlawful nature. We request the Minister to give no regard to claims and statements made about its past or present market sectors and products supplied to general construction aggregate markets occurring at the Site.***
- ADA Establishing Quarry Operations 3.4.1: *The quarry is well-established as an important extractive resource in the Hunter Region. The quarry has been servicing the local construction industry and larger Federal and State government infrastructure projects in the wider Hunter Region by processing and delivering high quality aggregates and associated specialised quarry products. These include coarse and fine aggregate, pre-coat aggregate, manufactured and modified road base and washed coarse manufactured sand used in road, railway, concrete and civil construction. As these resources are limited in the Hunter region, the products supplied from the quarry are of significant importance for both the Hunter and NSW economies. **As is detailed above, the servicing of the local construction industry outside of railway projects has historically occurred unlawfully. We request the Minister to give no regard to claims and statements made about its past or present market sectors and products “supplied” to general construction aggregate markets occurring at the Site.***
- ADA Summary Section 3.5: *The proposed continued operation and extension of the quarry is intended for the ongoing supply of construction material to regional markets of the Hunter and Central Coast, local markets, major regional infrastructure and to supplement Sydney markets. The resource has been identified as regionally significant and with properties conducive to the production of concrete aggregates and construction materials to nominated specifications. The proposed development of the resource would provide for the easing and securing of future supply constraints and is considered to be an orderly and economical use of the land, optimising use of an existing quarry and processing facility with proven*

*high quality products, with access to main road and rail transport. As is detailed above, the preceding statement is misleading. The continued operation and extension of the quarry would only enable the continued supply of railway ballast. If the Proponent seeks to process and produce other product not being rail ballast, then the Proponent is actually seeking to gain approval for a change of use on the land. We request the Minister to give no regard to claims and statements made about its past or present market sectors and products "supplied" to general construction aggregate markets occurring at the Site.*

- The Proponents SIA expert has utilized a graph at figure 7.3 page 271, showing Total laden trucks over weighbridge - peak day. The figure is used to justify the current proposed parameters as acceptable social impact mitigations against the yard stick measure of past years "peak daily truck loads dispatched from the Site. **The use of this graph as a justification that the daily trucking limit proposed is a mitigation when compared to historical operations is misleading. The data set used to create that graph (and therefore that justification) contains unlawful data. We request the Minister to disregard this justification and this graph when assessing the appropriateness of the proposed hourly and daily scale of truck movements through the impacted communities**
- The Proponents SIA expert has utilized a graph at figure 7.5 page 272, showing Martins Creek Quarry Historical Road Tonnages (tpa) 1993-2019. The figure is followed by text that states Overall the Revised Project as currently presented represents a significant reduction in the volume of quarry related trucks compared to both those originally proposed in the 2016 EIS and also compared to historical activities to which the community have been exposed. This statement and the assertions of similar nature throughout the ADA and technical studies is being used as a justification for assessment of the Proposal. **The use of this graph throughout the ADA and Technical Studies as a justification that the annual trucking limit proposed is miss leading. The data set used to create that graph (and therefore that justification) contains primarily unlawful data. We request the Minister to disregard this justification and this graph when assessing the appropriateness of the proposed annual scale of truck movements through the impacted communities.**

17. The MCRailwayBQ ADA and RTS Main Text and appended study documents contain purported justifications on the acceptability of impacts because they relate to improvements and "*Changes to the Original Project in response to agency and community submissions*". What the authors of the ADA do not detail is how the ADA measures up against the current lawful environmental baseline.

18. Any reader of the ADA cannot determine what the current environmental baseline impacts are now and how the ADA would compare to these current baselines into the future if an approval was to be granted.



19. The ADA and multiple other technical study documents refer to graphs depicting historical operations at the Site. We have included these graphs in Attachment 1 – Graph Overlay – Lawful and unlawful Operations, to show readers that these graphs contain unlawful operations. We have overlaid the lawful limits onto these graphs to indicate how significant the exceedances have historically been. **We request that the Minister require the Proponent to revise the ADA and remove reference or justifications that relate to these graphs and data, in so far as they related to (since 1998) unlawful extraction, processing and sales of material from the Site.**
20. The Proponent has used the words “limited operations” throughout the ADA and RTS. MCQAG committee submit this language is completely misleading, the MCRailwayBQ is not in “limited operations” it is in “normal lawful operations” complying with their current lawful consents the baseline of which the reader of the ADA should be entitled to be informed upon.
- To be enable a proper assessment of the proposed impacts to be made, we request that the Minister require the Proponent to revise the ADA and complete environmental assessments independent and without extensive reference of past unlawful operations.**

## Lawful Use

21. We submit that the lawful use of the Site has been incorrectly portrayed in both the ADA and numerous technical studies.
22. For the DPIE’s reference we have included in Attachment 2 – Existing Consents exerts of the current lawful consents that apply to the land that the ADA relates to. We have also included exerts of the 1991 EIS the basis upon which the 1991 development consent was granted. We note His Honour Justice Molesworth<sup>1</sup> in **Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153** held [132] that *the incorporation of the 1990 DA and its associated 1990 EIS is by necessary implication, to remove ambiguity and uncertainty, so as to bring clarity as to how to read the 1991 Consent in its proper context.* MCQAG agrees with his Honour’s comments that that these documents provided *key environmental and amenity management component of the railway ballast quarry.*
23. The author of the ADA has incorrectly portrayed the Court decisions that have been handed down. Contrary to the statement made in Section 1.4.1 par 3 of the ADA, the LEC did not determine that there are continuing use rights which apply to the Eastern Lands. In his Judgement<sup>1</sup> his honour Justice Molesworth held at par678 *that the Court having made its findings with respect to the Western Lands, to the effect that the extraction of stone could not now be in accordance with the 1991 Consent (and could not have been for many years), then the lawful capacity for the ancillary processing on the Eastern Lands to be able to continue fell away from the time when the extraction on the Western Lands fell outside the 1991 Consent. Once the nexus to a lawful extraction operation was broken, the previous ancillary dependency fell away leaving the processing as a stand-alone industrial*

*operation requiring development consent. Such further development consent has not been obtained.*

24. Furthermore, the Court of Appeal in **Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council [2019] NSWCA 147** held that the existing use rights were in relation to the operation of a quarry primarily for the purpose of winning railway ballast, rather than the operation of a general quarry. (Basten JA; Gleeson JA and Preston CJ agreeing) held<sup>2</sup> at par 30, 224, 265 *the fact that exemption from the planning laws depended upon the carrying on of a railway undertaking would at least be consistent with the definition of the existing use right as being primarily for obtaining railway ballast, rather than the operation of a general quarry. On that basis the existing use right terminated when that purpose ceased*

25. At Section 1.3 of the ADA the Proponent states *there [is] no limit on the number of trucks subject, provided that not greatly more than 30% of material per annum is transported by truck.* What the Proponent fails to articulate is that there is in fact a trucking limit on an annual basis. Whilst the consents did not explicitly prescribe a "number of trucks" limit, from an environmental base line perspective the Proponent has failed to identify in any of its baseline assessments that there is a limit and that is derived from that fact that general mass limited quarry trucks can typically carry a payload of 32.5 tonne pay load. The typical numbers of trucks that could frequent the Site on an annual basis is then determined with basic arithmetic, taking the annual limit of extraction and processing, calculating 30% of that in accordance with condition 6 of the consent and then dividing that number by 32.5.

500,000 [EPL scale based limit] x 30% [by road from the 1991 consent] = 150,000

150,000 / 32.5 = **4615 trucks per year**

26. We note there is no quarrying or lawful use related to extractive industries relating to Lot 2 DP242210

27. MCQAG committee's view is the current lawful use over the Site is best determined by the current consent authority (of existing operations) that being Dungog Shire Council.

**We request that the Minister (when determining what the lawful baseline is or should be), have regard to Dungog Shire Council's view of the lawful use and limits that apply to the current uses of the land.**

## Decision Making Process

28. In making a determination of the Proposal the Minister's power under section 4.36 and 4.15 of the *Environment Planning and Assessment Act (EPA Act)* is to grant or refuse an application and requires the consideration of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

- Her Honour Justice Jagot<sup>6</sup>, in **CEAL Limited v Minister for Planning & ors [2007]** [67] stated that *“Amenity has consistently been described as a wide and flexible concept, embracing such matters as the character of a place and the attributes of place which a community values as important contributors to its character.”* **We request the Minister to consider the impacts on amenity of the Proposal be included as relevant matters within the decision making process.**
  - His Honour Justice Preston<sup>7</sup>, the Chief Judge, identified the nature of the decision-making process under section 79C as involving the resolution of a polycentric problem. His Honour explained this *“as involving a complex network of relationships, with interacting points of influence. Each decision made communicates itself to other centres of decision, changing the conditions, so that a new basis must be found for the next decision”*
29. As we understand it, the Minister in making his decision to grant or refuse the proposal must *identify the relevant matters to be considered, find the facts that relate to the relevant matters, then determine how much weight to give each of the relevant matters and then finally, to balance the weighted matters to arrive at a managerial decision”.* **We request the Minister to adopt the approach described by his Honour Justice Preston and ask significant weighting be given in favour of the communities whose amenity, values and characters will be impacted upon by the Proposal.**

## Land Use & Planning Objectives

30. The ADA gives little consideration to the **Dungog Shire Local Environmental Plan 2014** (LEP). The planning for the Dungog Shire and the areas of Martins Creek, Vacy and Paterson are embodied within this LEP. When read in its entirety it is clear that the LEP is intended to promote development that seeks among other things to preserve rural amenity, promote the growth of individual settlements as local service centres, enhance the character, including the cultural and built heritage, of each village. Section 4.15 of the EPA Act requires consideration to be given to relevant planning instruments and we are of the understanding the LEP is one such instrument. Clause 2.3 (2) of the LEP states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
31. The land upon which the development is proposed is zoned RU1. The objectives of the of RU1 Primary Production Zone are;
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
  - *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
  - *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

32. The Proposal is inconsistent with a number of these objectives listed above

33. In **CEAL Limited v Minister for Planning & ors<sup>6</sup> [2007]** her Honour Justice Jagot stated [60] that *Zone objectives have a broader function than the operation of provisions [of the relevant clause] of the LEP. Local environmental plans are intended to contain coherent schemes regulating land use planning within a defined area. Most local environmental plans use zones to identify the development permissible with and without consent and prohibited on land within the area. The impacts of development can, and often do, cross zoning boundaries.* She went on to state in regard to the matter that *"One impact of the proposed development is that Monday to Saturday between the hours of 7.00am to 6.00pm, 52 weeks of the year, excluding public holidays, an additional 48 heavy vehicles (being a truck and three axle dog trailer) will pass along King Street, Bungonia, when the quarry is fully operational. Whether or not that impact is appropriate necessarily requires consideration of the planning scheme embodied by the LEP."*

34. The land upon which the development is sought will trigger impacts upon the proposed haulage routes and via offsite impacts from industrial noise, blasting and dust are zoned R5 and RU5.

35. The objectives of R5 Large Lot Residential Zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To isolate housing from existing intensive agriculture or future intensive agricultural areas.*

36. The objectives of RU5 Village Zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote the growth of individual settlements as local service centres.*
- *To encourage a variety of mixed-use development.*
- *To enhance the character, including the cultural and built heritage, of each village.*

37. The author of the ADA has chosen at Section 4.2.2 to refer to the LEP only on the Project Area (the Site) itself. The ADA, contrary to stated caselaw, has not assessed whether the impact from trucking along the haulage route is appropriate in relation to the RU5 village zone detailed above.
38. Furthermore, the RTS at Section 13.1.2 incorrectly and misleadingly notes that because noise, air quality and vibration criteria are purportedly met, the revised project [in relation to haulage impacts] is not considered to be inconsistent with the objectives of R5 and RU5 zoning. We rhetorically ask: how are 40 truck movements per hour and 280 truck movements per day on a carriageway that otherwise has variable and at times in frequent light vehicle movements consistent with enhancing the character, cultural and built heritage of the villages that they would transect?
39. We respectfully submit that, having regard to lived experiences of multiple dozens of quarry traffic trucks on an hourly and daily basis during Daracon's unlawful operations and the associated amenity impacts that they brought to the area, the proposed parameters within the ADA are most definitely inconsistent with the R5 and RU5 zoning objectives particularly in regard to *preserving sensitive locations and scenic quality and enhancing the character, including the cultural and built heritage of each village. We request the Minister to give consideration to these objectives and the planning scheme embodied within the LEP in the decision making process. Specifically, we request the Minister to consider the appropriateness of the impacts (past, present and future) having regard to the DSC LEP.*

## Air Quality Impacts

40. Although the Air Quality Impact Assessment (AQIA) purports to claim compliance with various policies and criteria, the results of the study do not align with lived experiences of impacted residents whose experiences during unlawful operations 2019 and earlier included;
- awaking to their vehicles covered in dust each morning,
  - observations of a dust fog lingering over the Site (and Martins Creek Village) each morning as dust emitted from the atmosphere during conveyor and process start up,
  - of "water carting" at the Site only occurring when regulatory inspectors or visitors were attending the premises,
  - of abnormal quantities of particulate matter collecting on household surfaces surrounding the Site and
  - concerningly at households surrounding the proposed haulage route. We note the comments in both 2016 public meetings and the 2021 public meeting where attendees spoke and gave verbal accounts of the respiratory illnesses, they and their families have suffered from during the Proponents unlawful operations in.

41. We have attached photos in Attachment 6 – Air Quality Impacts that record past and present dust impacts from operations at the Site. It is also apparent from resident’s accounts that conveyor start up and shut down operations in the Lot 1 processing area results in significant releases of unhealthy particulate to atmosphere.
42. The ADA, revised AQIA and RTS has failed to address the specific request and impact detailed in MCQAG’s 2016 submission, being the emission of dust particulate matter into the atmosphere during conveyor start up and shut down operations, an issue that has currently gone unaddressed. **We request the Minister to require the proponent to address and remedy the out-dated Lot 1 processing dust control measures that are currently in place.**
43. We note in Section 5.5 of the AQIA states that *background air quality levels have been derived primarily from the measurement data collected at the Station Street monitor in 2015; the identified representative year.* MCQAG notes that during this period of time the extraction, processing and transport of product from the Site was occurring unlawfully. This data set is therefore based on unlawful operations. **We request the Minister to require the proponent to make assessments and measurements of baseline background air quality at the Site based on current lawful operations at the Site.**
44. The ADA and AQIA fail to propose all reasonable and feasible mitigations for dust suppression. As detailed below, MCQAG is aware of other dust mitigation measures employed in modern quarries in the Southern Highlands that have not been proposed for this facility. These include water dust suppressions sprinklers being installed in each enclosed crusher housing, water suppression sprinklers installed in every conveyer run, water suppression sprinklers at all chutes, discharges and bins. Furthermore, other reasonable and feasible measure not considered or covered by the Proponent include fully enclosed silo storage units for the holding of product and automated loading / transfer bays for the loading of product into trucks and trains. **We request the Minister to require the proponent to provide technical and commercial justifications as to why these demonstrated reasonable and feasible measures (employed by other modern NSW quarries) are not reasonable and feasible at MCRailwayBQ.**
45. The ADA AQIA has failed to assess the impacts from the proposed handling, storage and processing of lime and fly ash at the Site. MCQAG understands that these are binding agents used in pug milling activities formerly performed at the Site without consent. According to the US EPA<sup>8</sup> fly ash contains contaminants including mercury, cadmium and arsenic. MCQAG notes that the potential impacts and emissions of fly ash during the handling, storage, mixing and transport of the product on and off site has not been considered, assessed or detailed. **We request the Minister to require the Proponent to perform an assessment of the impacts and mitigations proposed for the safe handling, use and transport of products containing fly ash.**
46. We raised concerns in our 2016 submission in regard to the 14% free silica content of andesite rock that originates from MCQRailwayBQ. Whilst the revised AQIA has

an additional section on free silica, we consider the assessment to be deficient. According to the AQIA, the analysis of the potential for Silica impacts was based on a single day's data set (being 14 June 2019), the analysis fails to detail the weather conditions on that day. The analysis fails to append the raw data and laboratory results collected during the one day of sampling. Given the extrapolation of that single day of monitoring comes within 33% of the Victorian recommended limits we hold grave concerns for the real-world impacts of silica emanating from the Site. **We request the Minister impose conditions in any new consent that a) require improved air quality monitoring by replacement of existing depositional gauges with Taper Element Oscillating Microbalance (TEOM) monitors with data being made publicly available in real time and b) require that fully enclosed processing facilities and improved dust suppression measures be mandated commensurate with modern processing facilities located within urban areas. We also request the Minister to require the Proponent to provide further analysis (with background weather data and lab testing results appended) and monitoring across more than a single day to provide a better representation of likely impacts from Silica, particularly having regard to the fog of dust that emanates from the Site during conveyor and process start up and shut down.**

47. Those of our members who reside along the haulage route have reported diesel particulate deposits on washing, windowsills and interior surfaces of their residential dwelling houses during periods where hundreds of trucks are utilized to unlawfully transport product from the site. Our members have subsequently had testing performed on the deposits collected during unlawful operations at the Site and the results are concerning. How are contaminants such as fly ash and silica controlled and managed whilst trucking haulage occurs, what are the modelled impacts of dust/contaminants entering the environment whilst being transported. **We request the Minister require the proponent to assess the impacts of diesel emissions and air quality from contaminants such as silica and fly ash along the proposed haulage route to be assessed and taken in to account**

## Noise Impacts

48. The amended Noise Impact Assessment (NIA) purports to claim compliance with various policies and criteria, however the results of the study do not align with lived experiences of impacted residents who reside around the Site and along the proposed haulage route. The lived experiences (as detailed in residents' submissions) during unlawful operations 2019 and earlier included impacts from intrusive noises that include:
- a. experiencing industrial noise imposing upon one's household, including noise of vehicle beepers, noise of jack hammering and rock breaking, noise of truck loading, front end loaders operations, bobcat operations, water truck operations, rattle guns, grinders, horns, drill and blast rigs, tracking machinery, noise of haul truck unloading at primary crusher area.

- b. noise of train loading, shunting and audible noise of voices from rail workers at along the quarry rail siding, impacting upon and waking their households (and then preventing them from returning to sleep) in the middle of the night.
  - c. lived experiences in relation haulage noise impacts have including: having the unique noise signature (as distinct from other heavy vehicles and light vehicles on the road network) of hundreds and hundreds of unlawful quarry truck (laden and unladen) movements interrupting telephone conversations, interrupting conversations between individuals both inside and outside dwellings and within the village activity centre, forcing residents to move from their outdoor living spaces to inside their dwellings, being woken by unlawful quarry traffic whilst sleeping during the day as a shift worker and being unable to “think” minute by minute as one’s existence is continually interrupted and reminded of unlawful quarry truck movements occurring through one’s community.
49. Having regard to the background noise environment and the “new normal” with MCRailwayBQ now operating lawfully, we understand from the caselaw that the above description of noise impacts that would occur under an approval of the ADA can be reasonably considered **intrusive noise**.
50. We understand the greater the level of emergence of this type of noise upon impacted receptors, will make the predicted “new quarry” noise levels more noticeable and cause a higher level of impact on the residents’ acoustic amenity than in an environment where the measured background noise level is higher.
51. We also note that based on complaints and resident’s submissions and lay witness’ affidavits from court proceedings that the noise impacts generated from the Site and from the proposed scale of haulage would also likely be categorized as offensive noise as defined by the Protection of the Environment Operations Act 1997.
52. We note (and have been advised by an expert) that the noise environment in the impacted area around the Site and along the haulage route is unique and rural in nature Under the current baseline, residents in the impacted areas from a noise environment perspective, have the pleasure of their rural amenity to enjoy. Residents around the Site can hear the wind in the trees, the sounds of wildlife and nature and the intermittent noises of light vehicle traffic. Within the village of Paterson under the current “new normal” baseline, residents and visitors in the village also enjoy the beautiful rural village noise environment, free from the noise of hundreds upon hundreds of unlawful class 9 quarry trucks. The ambient noise environment of the village of Paterson (which included occasional passing light vehicles, wind in trees, lawn mowers, birds and insect noise) was brought to the attention of DPIE’s Mr Sprott and Mr McDonough in their visit and meeting with MCQAG committee on the 22<sup>nd</sup> of June 202
53. We are advised (and it is stated on record under oath in NSW Land & Environment Court transcripts by expert witnesses) that the noise models used to assess the criteria and impacts of traffic generating developments are based on steady state traffic flows in an urban setting. There is no provision in the models for the acceleration, braking or empty bin noises that the quarry traffic would make within a rural village traffic stream and on a type of road network through Paterson.



54. We submit that under an approval of the ADA new noise would be emanating from the Site and the haulage route. It will be noise that residents will for the first time be hearing in a lawful context. For residents who are new to the area it will be noise that is heard for the first time. This new noise will be of a greater emergence from a very low background noise environment. This has a twofold impact. Firstly, for residents residing around the Site and haulage route who enjoy the pleasure of their rural amenity whilst currently co-existing with MCRailwayBQ they will most likely not be in favour of that new noise source. Secondly for residents who have experience and memories of historical noise impacts from past unlawful activities by the Proponent and Railcorp, these noise sources will serve as a constant reminder of what was previously unacceptably endured. The net result is residents will be adversely affected acoustically and this will result in both noise impacts and unacceptable social impacts.

**We submit to the Minister that in spite of technical studies purportedly finding compliance with policies and guidelines, we request that the Minister must consider and assess the impacts of persistent annoyance and consequential negative social impacts that will result from the intrusive noise levels and the cumulative noise levels that are proposed in the ADA.**

55. We have included a MCQAG commissioned report in Attachment 7 – Noise Impact Assessment Peer Review which contains the results of an acoustic review. This review was performed by an appropriately qualified acoustic expert. The results of the review contain numerous recommendations and highlight significant deficiencies in the current NIA. **We request the Minister to require the proponent to address the deficiencies and errors identified from the appended Bridge Acoustic Peer Review within a revised NIA.**

## Amenity Impacts

56. The term *social amenity* is variously defined as something that contributes individually to physical and material comfort, a feeling of personal wellbeing, attractiveness, peace of mind, pleasurable social experience and collectively as a sense of community or belonging.

57. In a planning context social amenity is a fundamental but sometimes elusive concept. In case law in Victoria the effect on the amenity of the area in deciding a permit application must consider the objectives of planning, one of which is securing a pleasant working and living environment. Victoria draws on interstate authority (NSW) about amenity and adopts a similar approach under planning law.

58. In the UK, amenities and social infrastructure are drawn together in helping new communities to grow, however the point is made that the mere provision of infrastructure and services does not of itself develop social amenity. It also relies on the cohesive nature of the community to develop relationships and support networks that build on the infrastructure and services provided. Typically, groups such as those associated with religious organisation, sporting and social clubs etc.

achieve the cohesion that generates togetherness. These groups take many years and even decades to develop and therefore rely on a local environment that is conducive to local association uninterrupted by disruptive external impacts. In this regard it is evident that Paterson represents such a community, having developed social fabric and structure since the early years of settlement.

59. *Social amenity* is a component of the overall social and physical environment and is therefore fragile to the extent that it may be easily damaged, or even destroyed, by impacts that are imposed on it without control and appropriate management strategies. Co-existence of community, local businesses and industry relies on a sustainable balance being achieved that allows all to thrive in a socio-economic sense without undue detriment to either component.
60. Whilst the ADA and SIA claim to have assessed the risk of impacts on amenity. The ADA fails to take into account the social, environmental and cultural structure of Martins Creek, Vacy, Paterson, Bolwarra Heights, Butterwick and Brandy Hill areas. While recognising that Paterson and the MCRailwayBQ have satisfactorily co-existed for nearly 100 years and the quarry being a source of hard rock railway ballast, the intensity of the current proposal, if approved, will compromise and destroy the social amenity described above. This is confirmed in at para 8 page 261 of the SIA with the statement: " It is acknowledged that despite the above outcomes from the various technical assessments related to traffic and truck movements, for the purposes of the assessment of social impacts, based on feedback from the community, these outcomes do not make the predicted impacts associated with traffic on social amenity and surroundings any more tolerable by those affected."
61. Furthermore, the proposed mitigations described in the SIA at section 7.3.1.3 seek to mitigate the impacts of the operation proposed in 2016 EIS down to the operation proposed now in the exhibited ADA. These are not mitigations; these are project parameters which if approved will cause the unacceptable impacts already well documented by residents and the SIA authors own analysis.
62. In **CEAL Limited v Minister for Planning & ors [2007]** Her Honour Justice Jagot refused an application for a quarry on the basis that the proposed haul route through Bungonia village would undermine important aspects of the amenity of the village and thus an important part of the planning scheme embodied in the LEP.
63. Her Honour Justice Jagot said at [67];

*I accept that a consent authority should have regard and give weight to published guidelines providing objective criteria to facilitate assessment of issues arising in land use planning decisions. Nevertheless, insofar as this submission might have suggested that considering the performance of the development against the available objective criteria exhausted the assessment under s 79C (1), I do not accept it. For example, the ECRTN [Now the NSW EPA Road Noise Policy] does not cover all types of likely impact or all aspects of amenity. Insofar as it deals with one aspect of amenity (road traffic noise), the ECRTN applies generally throughout NSW. The Council's settlement strategy refers to the environmental criteria not being compromised, but that is quite different from the notion that compliance with the ECRTN*

*exhausts the necessary or appropriate consideration under s 79C (1). Finally, the ECRTN does not have statutory force*

64. His Honour Justice Molesworth<sup>1</sup> in **Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153** held [324] that *that increasing truck traffic to (improperly) accommodate the transport of greatly more quarry product by road, can be presumed, as a starting consideration, to likely interfere with the amenity of the neighbourhood*

65. Based on lived experiences (as detailed in video evidence presented to DPIE's Mr Sprott and Mr McDonough on the 22 June 2021) of the trucking scale now proposed in the ADA, would result in numerous movements and convoys of class 9 quarry trucks moving through the village of Paterson. Whilst the "driver code of conduct" likely prohibits the convoying of trucks, the real-world reality at 40 trucks per hour and 280 trucks per day means that convoying or closely spaced trucks is unavoidable and "almost certain to occur" as was seen in the video evidence. The physical presence of class 9 trucks of that size and that intensity serves to divide the historic rural village of Paterson in two. A village that in the current baseline is one where visitors and residents alike move across, through and around the village without obstruction this is in some way the essence of what makes rural village life so special and valued. **Setting aside the Traffic Impact Assessment and Noise Impact Assessment results, the ADA and SIA have failed to assess the physical, amenity and social impacts that will inevitably result from the "physical presence" of so many Class 9 quarry trucks on an hourly and daily basis. We request the Minister require the Proponent to detail that impact (if able) and stipulate what further mitigations will be implemented to manage it.**

66. In relation to amenity impacts the ADA and SIA exhibit an unfortunate circular reference. The impacts from trucking are detailed in the SIA and the mitigations for amenity impacts are provided as being the operational scale parameters proposed in the ADA justified in part by technical studies on noise, air quality and vibration.

- a. Based on "lived experiences" the hourly and daily scale of trucking movements proposed will result in unacceptable impacts to rural and village amenity of numerous residents and financial members. When one has regard for the lawful baseline (not the 2016 EIS nor historical unlawful operations). Except for referencing hypothetical future scenarios where "more product may be transported by rail" and mentioning administrative (and at times unenforceable) controls via a driver code of conduct nowhere has the SIA proposed or assessed other potential mitigations to reduce the impacts on amenity in spite of numerous requests by residents at CAF forums to assess and implement other reasonable and feasible mitigations. **We request that the Minister require the proponent to assess all likely impacts and all aspects of amenity that the impacted community so values. We request the Minister to consider the impacts on amenity of the Proposal be included as relevant matters within the decision making process.**

## Mental Health Impacts

67. The SIA report details that, it is *likely that the Revised Project is contributing to mental health issues for some residents and landholders in the locality*. In spite of numerous residents making admissions during round 1 and round 2 Social Impact interviews as to the mental health impacts they have experienced, the report does not disclose that the past unlawful operations (the scale now being proposed) did most definitely have mental health impacts affecting many people across a widespread area.
68. The author of the SIA has incorrectly ranked the health impact scoring relating to health impacts, stating in Section 7.5.1.2 that It was *likely health impacts will occur*. This statement is erroneous the correct definition of the probability of this occurrence is that it is *Almost certain* (e.g., it has happened before and will happen again based on the Proposal).
69. We have confidential reports from numerous residents suffering from mental health issues directly attributed to the past unlawful scale of operations now being sought approval for under the ADA. Those residents reside in and around the Site at Vacy, within the village of Paterson, Bolwarra, Bolwarra Heights and Brandy Hill. Reports include anxiety disorders and symptoms of anxiety and depressive moods along with increased stress brought on by the scale of trucking on an hourly and daily basis, from the hopeless amenity impact being imposed upon them and their households and their local communities. We also note a number of reported cases where residents suffering from PTSD who reside around the Site were impacted and triggered by unlawful blasting events occurring at the Site.
70. We have confirmed those residents would be willing to provide confidential medical records to DPIE to support these claims. Two case study examples of the mental health issues arising in our community due to Martins Creek Quarry operations that have been reported to our committee include but are not limited to;
- An impacted resident reported onsets of suicidal ideation beginning in 2014 at the peak of Daracon's unlawful operations. The resident whose dwelling and family were directly impacted from haulage traffic and air quality impacts emanating from the Site states that those ideations have now subsided since Daracon has begun complying with their lawful consent conditions. The resident also reports that since the exhibition process of the ADA has begun, there is what seems to be a hopeless likelihood of the scale of truck movements and associated impacts returning to their household and lives as they were between 2012 and 2019, their senses of anxiety, helpless and suicidal ideations are now returning.
  - An impacted resident whose dwelling is only less than 10m away from the proposed haulage route within the village of Paterson reported that during the peak of unlawful operations, at times when 20 to 30 trucks were transiting past their house day in and day out, the individual had a nervous breakdown and has since been diagnosed with an anxiety disorder. The

anxiety attacks are exacerbated from what were unlawful movements of quarry trucks through Paterson village. At the peak of symptoms, the resident would call their partner crying multiple times a day, unable to function as their house shook from truck movements minute by minute. Their telephone conversations were interrupted by the noise of accelerating trucks, their thinking and thought processes were interrupted by the convoys of passing trucks. They stated their daily routine was constrained to remaining inside in a room located within the dwelling as far away from the road verge as was possible whilst the trucks were running. Their once pleasant rural backyard was unusable whilst the trucks were running. The resident notes a direct correlation of anxiety attacks and quarry truck movements with operations now being conducted lawfully from the Site the resident reports a new sense of mental wellbeing. They have noted that they continue to have anxiety attack symptoms that include hot flashes and chest pains at the sight and sound of a quarry truck taking them back to the time when dozens of trucks per hour turned their life in to a living hell.

71. The Proponent and SIA author's suggested mitigations in relation to mental health impacts are non-functional at best and fanciful at worst. We rhetorically ask the following questions:

- how does the proposed mitigation of having an "open door policy in relation to impact monitoring and management activities" and "Ongoing and transparent provision of environmental monitoring results to the community" ameliorate mental health impacts affecting impacted residents that will have to live with 200 to 280 trucks per day traversing past their residential households for the next 25 years?

72. MCQAG committee has sought advice from an expert psychologist who has reviewed the ADA and proposed mitigations and is familiar with the impacts that occurred during the unlawful operations at the Site between 2012 and 2019. The expert concurs in MCQAG's position: that the mitigations proposed with the ADA are unacceptable and deficient. Their advice for the only mitigation and effective management strategies are as follows:

- a. Reduce the proposed scale of operations at the Site
- b. Reduce (by substitution or elimination via bypass, alternate routes and/or rail) the proposed scale of truck movements emanating from the Site
- c. Prescription of psychotropic medication
- d. Provision of psychotherapy and/or counselling services
- e. Exclusion, by moving the impacted resident away from the impacted area

73. MCQAG committee submits that the impacts to mental health based on lived experiences of unlawful operations that occurred at a comparable scale to those now proposed within the ADA are completely unacceptable. Furthermore, we submit the health impacts and mitigations outlined in the ADA are completely inadequate. **We request the Minister to require the Proponent to make a meaningful assessment of mental health impacts of the Proposal and detail what of the effective mitigations listed above the Proponent proposes to put in place for impacted residents.**

## Social Impacts

74. MCQAG committee has grave concerns in relation to the content of the ADA and SIA in relation to social impacts. The Proponent's environmental consultant has taken a strategic approach to focus only on the impacts that can be resolved by technical studies involving road safety, noise, air quality and vibration. And conversely, the SIA author has focused on measuring social impacts and scoring social impacts within the bounds of those technical impacts. The issue MCQAG has with this is (as case law has confirmed and as detailed throughout this submission) there are far more impacts that can't be resolved, solved or explained away against any measurable government policy or criteria. Those social impacts include the impacts to village amenity, the impacts to rural amenity, the impacts to activity centre function, the impacts to social cohesion, the impacts to sense of place and the impacts to wellbeing amongst others.
75. Based on real, lived experiences (refer to Attachment 5 – Impacted Resident's Affidavit) during unlawful operations the impacts to these social aspects at the proposed 40 trucks per hour and 280 trucks per day are completely unacceptable to our membership and others in the community. **We request the Minister to require the Proponent to revise down the proposed hourly and daily scale of operations to a level no greater than that authorized by the 1990 EIS and Dungog Shire Council's 1991 consent.**
76. The ADA and SIA have both failed to correctly assess the impacts of increasing annual truck movements from the Site from the current approved level of 4615 rail ballast loaded class 9 truckloads per year (see par 25 above for detail) to what would potentially be an annualized figure of some 15,384 loaded class 9 trucks carrying product other than railway ballast per year. **We request the Minister to require the Proponent to update the ADA and SIA having regard for the adverse impacts arising from the proposed increase of truck movements from the Site.**
77. Of grave concern to us is also the fact that the SIA author has throughout the document taken the approach to under-rate social risk scores. Contrary to Australian Standards for Risk Management practices the risk assessment process did not involve anyone from the impacted community and in spite of feedback during CAF forums from residents the SIA author has not acquiesced in the assertions made by residents that the scoring is in error. The SIA author has failed to divulge in the SIA scoring sheets what likelihood and magnitude category has been allocated for each risk table, without this it is not possible for the reader to understand what likelihood and magnitude scales have been predicted or assumed for the assessment. **We request the Minister to require the Proponent to update the SIA to show the likelihood and magnitude categories of the risk assessments made.**
78. The SIA refers to the "proposed ADA parameters" when compared to the 2016 EIS and past unlawful operations, as purported mitigations. In regard to amenity impact, the SIA refers to administrative controls such as the Driver Code of Conduct, voluntary speed reductions, new quarry access road, provision of a

camera monitoring station and a raft of uncommitted suggestions that involve “exploring” “management plans” and “consultation”- all proposed as mitigations for very high and extreme ranked social risk scores. Once again, we rhetorically ask:

- How does a Driver Code of Conduct ameliorate the physical impacts (being the physical presence) of hundreds upon hundreds of trucks through the villages of Martins Creek, Paterson, Bolwarra and Maitland? The obvious answer is: it does not.
- How does a new access road in year four of the development ameliorate the impacts of 31,000 truck movements per year down Grace Avenue and Station St Martins Creek? The answer: it does not.
- How does a new access road in year four through to year 25 of the development ameliorate the impacts of 31,000 truck movements per year through Paterson, Tocal, Bolwarra Heights, Bolwarra and East Maitland. The answer : it does not.
- How does a camera at King Street and Duke Street ameliorate the impacts on the activity centre of Paterson? The answer is: it does not. Furthermore, who will monitor this camera and for what and whose purpose does it serve?

**We request the Minister to require the Proponent to provide more meaningful, certain and effective mitigations regarding amenity impacts.**

79. Relevantly an example of an incorrectly scored residual social risks is detailed below:

- Due to the proposed 31,000 truck movement per year of construction material product to/from the Site it is **'almost certain'** that there will be a substantial deterioration to the sense of community, rural character, occurring (as reported lived experiences state) across a widespread area from Martins Creek through to East Maitland affecting many people for 25 years resulting in a **'major'** magnitude impact and a **'very high or extreme'** social risk ranking.

**We request the Minister to require the Proponent to update the risk assessment scoring and to involve impacted residents to show the likelihood and magnitude categories of the risk assessments made.**

80. We have commissioned expert peer review of the SIA. The review has concluded that there are significant flaws, errors and omissions in the ADA SIA as exhibited. The experts further concluded that a number of residual social risks should be more correctly rated as "Almost Certain" to occur, having a "Major" social impact that will result in an "Extreme or Very High risk rating" and the mitigations exhibited are inadequate and the residual negative social impacts, based on lived experiences, will be unacceptable to a significant cohort of the impacted population **We request that the Minister include the attached peer review in the DPIE's assessment of the ADA. We also respectfully request that based on the issues raised in this submission the Proponent is to address and resolve these issues. If the Proponent is unable to resolve and mitigate further the documented unacceptable social impacts using other**

**documented reasonable and feasible mitigations discussed within this document then we respectfully submit that the Minister should refuse consent to the ADA.**

81. Despite several years of MCQAG and residents within the impacted area requesting Daracon and Umwelt to lessen the scale of proposed operations and/or find alternate controls involving elimination, engineering or substitution mitigations, the Proponent has point blankly refused, claiming it is not commercial. The issues we particularly have, is that in 2015/2016 the Proponent said at 1.5Mt extraction per annum and 100% removal by road, it was not commercial to make any concessions to the community concerns, a purely subjective opinion from the operator. But how does one objectively determine whether what is proposed is really commercial or not and whether the Proponent really has any further head room to accommodate lessening impacts on the community?
82. When one reviews other NSW quarry projects, one asks the question for the proposal here: why was it commercial for the operators of those quarries to put in place mitigations that ameliorated the impacts on affected residents but not us? Why was it commercial for Multiquip's Ardmore Park Quarry (which has approval for 400,000tpa and 88 total truck movements per day) to construct a 6km bypass road around Bungonia Village and be precluded from running any trucks from the quarry during school drop off / pick up times? Why was it commercial for Brandy Hill Quarry in 1983 (which had approval for 700,000tpa) to construct a bypass road (Brandy Hill Drive) around the village of Seaham? And why was it commercial for the other 15 quarries in this state with a scale-based limit of between 500,000 and 2,000,000 tpa to not have to have a haul route traverse through a rural village activity centre? If it is good enough for them we rhetorically ask, why is it not good enough for Paterson, Martins Creek, Bolwarra, Tocal and Bolwarra Heights. **On the basis that the Proponent is unwilling or unable to develop further mitigations to reduce the social impacts on impacted residents then we respectfully submit that the Minister must refused consent to the application.**

## Traffic Impacts

83. The ADA Traffic Impact Assessment (**TIA**) concludes that *traffic associated with the Revised Project would have an acceptable impact upon the operation of the key intersections along the primary haul route and is not expected to have any adverse impacts on the safety of the road network*. MCQAG raises strong objection to that assertion. The proposed hourly and daily scale of trucking from the Site will have completely unacceptable road safety outcomes and impacts along the proposed haulage route as detailed in this submission. The lived experiences confirm this with reports that include
- Side-swiped parked cars in Paterson (numerous events)
  - Cracked windshields on parked and moving vehicles from class 9 quarry traffic (numerous events)
  - Lost loads when class 9 quarry truck tail= gates have failed (on Gresford Road and within Paterson village)



- Convoying of trucks (numerous events)
- Illegal double parking on carriageways, in turning bays, on road shoulders, on private properties, across bus zones and private driveways
- Traversing of class 9 quarry trucks over double white lines through the activity centre of Paterson to provide clearance to pedestrians and open car doors

MCQAG committee will be happy to provide sworn statements and photographic evidence of the above incidents if it would assist the DPIE. Furthermore the historical impacts of unlawful trucking are recorded in Attachment 3 – Complaint Records.

84. The ADA states that the proposed road haulage is not inconsistent with road haulage volumes from the Site for the past 8 years. MCQAG strongly objects to the validity of that assertion. With reference to Attachment 1 – Graph Overlay – Lawful and unlawful Operations, what the ADA and TIA fails to disclose in the report is that for the past 8 years and many years before that, the magnitude of road haulage from the Site (being product other than railway ballast extracted from unapproved areas) had been occurring unlawfully with significant unmitigated impacts to road safety and to road infrastructure. **We request the Minister require the Proponent to amend the ADA and TIA and explain the relevance of the justification of impacts and suitability of road carriageway noncompliance with Ausroad standards based on past unlawful operations.**

85. The ADA and TIA focus on a Drivers Code of Conduct (**DCC**) to manage and mitigate impacts associated with 40 trucks per hour and 280 trucks per day of movements. From the ADA, TIA and SIA it is apparent the DCC is requiring a number of voluntary requirements for drivers to follow, the DCC is calling for drivers to drive below the stated speed limits. We note that NSW Road Rule 125 states that a driver must not drive abnormally slow on a carriage way. This correlates with past CCC meeting records which confirmed Daracon drivers have encountered “road rage and abuse and erratic overtaking and driving by passing vehicles” whilst driving through Bolwarra Heights and Paterson at the proposed “voluntarily reduced speed limit”. We are of the understanding that compliance with the DCC would be a term of any new approval. We rhetorically ask: how can it be possible that in order to comply with the DCC and consent conditions a quarry truck driver must potentially break the law (Road Rule 125) and drive 20 to 30km/hr below the sign posted speed limit. **It is not possible or appropriate for DPIE nor the Proponent as an extension of an approval condition to require an individual to break the law in order to comply with a DCC. We request the Minister to require the Proponent to find alternate means to mitigate the impacts of trucking on the historic village of Paterson and Bolwarra Heights using other means beyond the DCC and voluntary speed limit reductions.**

86. MCQAG committee’s position is that having regard to the hierarchy of controls, relying on a document (the DCC) to manage High and Very High risks as detailed in the ADA SIA and our own SIA Peer Review, is a highly abnormal practice, Australian Standards Risk Management Guidelines<sup>9</sup> sets out that:

You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives (substitution, engineering, admin .... Etc). Administrative controls are the least effective at minimising risk because they do not control the hazard at the source and rely on human behaviour and supervision. These control measures should only be used:

- to supplement higher level control measures (as a back-up)
- as a short-term interim measure until a more effective way of controlling the risk can be used, or
- when there are no other practical control measures available (as a last resort). in the hierarchy.

MCQAG strongly objects to the proposed mitigation of trucking impacts (amenity, road safety, pedestrian safety, Paterson Activity centre function and safety, noise, vibration, heritage) relying solely on the doubtful administrative control of the DCC. We ask who will regulate compliance with this document, how often will compliance be conducted and how effective are the prescribed measures in even mitigating the risks posed? We refer to Attachment 4 – Statutory Declaration which details a sworn statement confirming that the founding director, controlling shareholder and former Managing Director of the Proponent advised residents that Daracon could not control 3<sup>rd</sup> party quarry trucks on the road network that access the Site. **MCQAG submits that reliance on the DCC control measure alone to manage, monitor and control trucking impacts along the haulage route is completely unacceptable. Furthermore, we note that Daracon’s founding director has confirmed to residents they have no way of controlling (and therefore enforcing the DCC) on third party trucks accessing the Site. We request the Minister to require reassessment of mitigations and impacts related to traffic focusing on elimination, substitution and engineering controls over a single administrative control.**

87. We note that in the year 2000 a cyclist was killed on Tocal Rd near Tocal College after being hit by what we understand to be the dog- trailer of an early morning class 9 truck and dog. The fact that that has occurred, tragically, is a proven and specific example that increases in class 9 truck movements proposed by the ADA will most definitely increase the risk for such an occurrence to re- occur into the future.

88. The ADA & RTS have previously dismissed MCQAG’s road safety issues raised in our 2016 submission. The RTS stated that they have only responded and focused on the safety concerns raised by the RMS as the road authority. MCQAG notes that the Proponent is required to respond and address all impacts and issues raised. It appears that the Proponent is choosing to “align” and make proposed changes to the road traffic network as it suites them. The Proponent has proposed to remove the car parking space from in front of the Post Office (at great disservice to the residents) because it is non-compliant with Ausroad standards; however numerous other non-compliances with Ausroad standards are being ignored by the Proponent as detailed below.

89. We have grave concerns for the road safety outcomes (based on lived experiences) if the proposed parameters in the ADA are granted an approval. We now set out key issues and concerns below.

Attachment 11 – Traffic and Road Safety Impacts - Station Street. As can be seen in the photos and as would have been observed by DPIE staff on their attendance to the Site, Station Street is a cul-de-sac residential street. No assessment has been made to the structural adequacy of the pavement for the proposed 31,000 truck movements per year, and limited assessment has been made to the Social Impacts and Noise impacts due to transport that would occur on this road and to residents. Given this street is a residential street, one upon which children play and residents walk, it is completely unacceptable between year one and year four that the proposed scale of operations and proposed change of use (from rail ballast to other products) suggested in the ADA could transit this route. The interaction of 31,000 truck movements per year across the main Northern line at the Station St and Grace Ave intersection is also completely unacceptable, we note there are 10 local commuter train movements, 6 interstate XPT movements and numerous coal and freight train movements per day on the line.

Attachment 11 – Traffic and Road Safety Impacts – Gostwyck Bridge. As can be seen in the photos and as would have been observed by DPIE staff on their attendance along the route, this timber bridge is single lane. This section of carriage way must be brought up to Ausroad standards. Gostwyck Bridge must be duplicated to avoid unacceptable road safety outcomes that would result (and have resulted in past unlawful operations) of multiple hundreds of by directional movements over the bridge structure. If it is reasonably acceptable for Ardmore Park Quarry to be required to upgrade 23km of Jerrara Roadway to bring it into line with Ausroad Standards, it must be reasonably acceptable that as a new development proposal the Proponent must be expected to bring this small section of carriage way up to Ausroad standards (in terms of lane widths and by directional traffic flow capability).

Attachment 11 – Traffic and Road Safety Impacts – Gresford Road. As can be seen in the photos, the condition of Gresford Road is in a state of failure. The carriageway width does not meet Ausroad Standards. No assessment has been made on the structural adequacy of the roadway to carry the proposed magnitude of truck movements. Again, if it was reasonable and feasible for Multiquip Ardmore Quarry to upgrade 23km of Jerrara Road before their approval could be taken up, then it is reasonable to expect and request that the Proponent be required to remedy and upgrade this section of roadway.

Attachment 11 – Traffic and Road Safety Impacts – Church/King Street Intersection. This intersection requires a sheltered turning bay. This intersection has multiple hundreds of vehicles turns daily for parents accessing Paterson Primary School and Pre School. There are insufficient sight lines at this intersection. The Proponent has not adequately resolved this safety issue.

Attachment 10 – Activity Centre Impacts – Paterson Activity Centre Impacts. These photos show (as was pointed out to Mr Sprott and Mr McDonough on 22 June 2021) unacceptable interactions between pedestrians and other road users

within the activity centre of Paterson. Class 9 vehicles are required to traverse double white lines to avoid parked cars, opening car doors and pedestrians entering and exiting their vehicles. The proposed removal of the parking space in front of the post office completely unacceptable because it serves as a key parking spot to enable elderly and less mobile residents to carry packages in and out of the Post Office.

Attachment 11 – Traffic and Road Safety Impacts– Duke/Prince Street Intersection - This intersection has safety issues, there are insufficient sight lines at this intersection. There is no sheltered turning bay, with multiple hundreds of turns of vehicles at this intersection by residents and patrons to the Paterson tavern. The Proponent has not adequately resolved this safety issue.

Attachment 11 – Traffic and Road Safety Impacts – Tocal Road Safety impacts – As can be seen in the photos the pavement surface is in a state of failure. No consideration has been given to pedestrian safety of vehicle access/egress into Tocal College.

Attachment 11 – Traffic and Road Safety Impacts – Paterson Road Cumulative Impacts. The photo shows the urban issues with Paterson Road and the cumulative impacts that will result when Brandy Hill Quarry takes up its new consents and also starts utilizing this carriage way. No consideration has been given to Bolwarra School safety nor Tilly's Day-care safety issues.

**We request the Minister to require the Proponent to address all of these matters of public safety not just those raised by RMS during this process in an revised ADA. If the Proponent is unwilling or unable to resolve these issues then we respectfully submit to the Minister that this should be a ground for refusing consent to the application.**

## Biodiversity Impacts

90. The biodiversity assessment confirms the SSD6612 area embraces core Koala habitat. We can confirm this with sightings shown below in Attachment 9 – Biodiversity Impacts – Photos of Threatened Species Sightings The picture taken and included in this application were by locals during 2021 off Vogels Road which adjoins MCRailwayBQ.

91. Data by the Threatened Species Scientific Committee shows koala numbers on the NSW North Coast will decline by a further 50% over the next ten years to around 4000. This proposal will have a significant impact. The SSD6612 application refers to a management plan yet in the same document states the rehabilitation of the site will be for grazing rather than proactive position of enhancing koala and native flora and fauna habitat.

92. The area is also known by local residents as a good area for spotted quolls with a number of adjoining residents noting sightings in recent years. It is surprising they weren't found during the survey period. The Spotted-tailed Quoll's conservation

status is listed as vulnerable in NSW and endangered under the Commonwealth legislation.

93. MCQAG members are concerned for the threatened species impacts that will occur if the ADA is granted an approval. Specifically, there is no mention of any proposed wildlife corridor connections between the Western and Eastern lands of the site and we note historical records of Koalas being found within the quarry extraction pit itself.
94. MCQAG notes that lot 6 has never been the subject of an environmental impact assessment or development consent that authorised clearing of native vegetation and habitat. We note that His honour Justice Basten<sup>2</sup> stated in Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council [2019] NSWCA 147 at 121: *The trial judge was correct to infer from this material that the proposed development was limited to a quarry on lot 5, with an ancillary haul road crossing the south-eastern portion of lot 6 and the eastern portion of the panhandle of lot 5, in order to allow passage to the eastern land where the bulk of the rock was to be processed. An expansion of the quarry onto lot 6 had not been the subject of environmental assessment in the EIS...*
95. The ADA is seeking authorization to clear and extract rock from Lot 6. MCQAG contends that no consideration has been given in the ADA or BIAS for the unlawfully cleared lands and threatened species removal that has occurred historically at the Site.

**We request the Minister to require the Proponent to include retrospective assessment and offsetting allowance towards the Lot 6 lands already cleared at the site unlawfully.**

96. At the time of writing MCQAG is awaiting receipt of an expert peer review on biodiversity impacts. It is unlikely this report will be ready by the 31<sup>st</sup> of July 2021, and therefore MCQAG will forward this on as soon as it is available for the Minister's consideration.

## Water Impacts

97. Surface waters-- There is no current monitoring or proposed monitoring of schedule 2 water parameters to fully understand the regional waters and the impact of discharged quarry waters. The receiving water ultimately being the Paterson River has numerous users with stock and domestic rights. The suggestion that the proponent will implement a management and mitigation measures should the project be approved is not consistent with having a full and proper understanding of impacts and being proactive in identifying and managing them
98. We have reported from impacted residents that milky coloured water runs off MCQRailwayBQ during periods of discharge, MCQAG is concerned about the contents and pollutants contained in that run off. MCQAG has previously conducted testing of water run off from the Site and it should be noted that the samples measured readings of chemicals, pesticides and hydrocarbons. MCQAG will pass the results of this sample on to the DPIE if requested. **MCQAG request the**

**Minister to require further comprehensive testing and sampling of the water storage dams at the Site to confirm actual chemical composition and water chemistry to properly ascertain .down stream impacts of discharges**

## Heritage Impacts

99. Based on lived experiences (as presented to Mr Sprott and Mr McDonough by video on the 22 June 2021), the proposed hourly and daily scale of trucking movements will have unacceptable impacts upon the heritage precinct of the historic Paterson village.

100. Mr Reed's request to Respond to Submissions Letter dated 2<sup>nd</sup> December 2016 specifically required the Proponent to assess impacts resulting from the number and frequency of trucks travelling through the Paterson heritage conservation area. Unfortunately, the author has focused their assessment on only two fronts, the first focus is on impact to heritage features in Paterson relating to changes in road and kerb and gutter design. The second approach of their assessment has focused only on a vibration impact assessment.

101. It is not clear in the report who the author is nor is it clear what the author's qualifications are in order to provide structural engineering opinions in relation to vibration impacts to heritage buildings nor is it apparent what the author's qualifications are in regard to heritage impact assessments.

**We request the Minister to require the Proponent to update the study and confirm the structural engineering and heritage qualifications of the individual(s) who provided the opinions.**

102. The report fails to address Mr Reed's letter. There has been no assessment on the impacts from the proposed number of hourly and daily truck movements through the Paterson HCA.

103. We draw attention to NSW Government Heritage Guidelines<sup>10</sup>. A key aspect of that guideline inherent in the NSW Heritage Act and the Burra Charter are principles that are fundamental to planning the care of heritage items and places. The principles are that:

- there are places worth keeping because they enrich our lives by helping us to understand the past, by contributing to the richness of the present environment and because we expect them to be of value to future generations
- the cultural significance of a place is embodied in its fabric, its setting and its contents; in the associated documents; and in people's memory and association with the place
- the cultural significance of a place, and other issues affecting its future, are best understood by a methodical process of collecting and analysing information before making decisions

- keeping accurate records about decisions and changes to a place helps in its care, management and interpretation.

104. No regard has been given to the above principles in making the heritage impact assessment. What impact will 40 trucks per hour and 280 trucks per day have on the cultural significance of the place embodied in its fabric and setting? In order to properly assess the possible impacts, the author must first properly describe the place and the present environment, the author has failed to do this. It then follows, What impact will the number and frequency of trucks have on the HCA? Will the use of the HCA be impacted or changed? will the HCA be effectively divided in two by the proposed number and frequency of hourly and daily truck movements? What affect will that have on the significance and the fabric and richness of that place?

105. An expert report in Attachment 14 – Heritage Impacts details just some of the impacts likely to the HCA. It should also be seen from a starting point in this report that the HIA has failed to even properly or correctly described the HRA let alone the likely impacts that will occur from the proposal.

**We request the Minister to require the Proponent to update the HIA and include comprehensive and genuine assessment of the impacts (based on lived experiences detailed in this submission) having regard to the Burra Charter and content of the information supplied by Paterson Historical Society. We respectfully submit that proposed scale of operations will have an unacceptable impact on the Paterson HCA and is therefore another ground to refuse consent to the application.**

## Blasting & Vibration Impacts

106. Once again, we have attached publicly available records of complaints in relation to the MCQ facility in Attachment 3 – Complaint Records. It is clear from these records that there is significant off-site impact to surrounding residents in regard to blasting.

107. As noted in the last two public meetings and within residents’ submissions from 2016, blasting impacts include shaking of crockery, cracking of walls and brick work, the noise of mortar falling down brick cavities immediately after each blasting event. Disturbance to horses and other pets and even the reported shaking off of a toilet cistern from a bathroom wall, have occurred.

108. The blasting impacts due to intensity variability also result in un-nerving anxiety imposed upon neighbouring residents who must wait throughout the day for quarry silence as pit operations are halted and then brace themselves, their pets and their households for the blast. Will it be a big one or a small one?

109. Relevantly we bring to the attention of the Minister lay witness evidence referenced in **in Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018]** (671) that: Ms [redacted] has been a resident of Martins

Creek since before the 1990 development application was lodged by SRA. Ms [redacted] lodged an objection to the SSDA. (Evidence Book Vol 3 at pp. 1888-1889). She moved to the area some thirty years ago in pursuit of an 'idyllic country lifestyle'. She also noted that '...while the quarry was operational and run by RailCorp, the workload had minimum impact on our lives.' Ms [redacted] observed a marked change in the operations after 'Daracon' (i.e. the respondents) took over. She complains that 'previously the blasting resembled a faraway explosion it has now become so intense that the ferocity of the blast led me to believe an earthquake was rumbling up the road, shaking the house and rattling the windows. This is not something you quietly adapt to, it delivers the same instinctive fear every time.' She also complains about dust which she attributes to the quarry."

110. The experiences of residents do not correlate to the published blast monitoring data that indicates compliance with relevant criteria.
111. We note the Proponent claims to have completed a dilapidation survey on one impacted residence. If the ADA gains consent, we request that an independent structural engineer be required to complete dilapidation surveys on all dwellings in Vacy and Martins Creek that are impacted by blast events at the Site.
112. We note that historically blast monitoring equipment has been located non-compliantly (in the shadow of structures) with sensor spikes incorrectly installed. We continue to query the validity of blast monitoring data collected at the Site.
113. We understand the current blasting guidelines do not assess or provide criteria for harmonic/resonant vibration in building structures during blasting events. MCQAG committee is aware of data, research and papers relating to this effect occurring in impacted receptors around quarries in Queensland. We believe this could be a plausible explanation for the difference between ground measured readings and residents' observations of impacts. If consent is to be granted to the ADA **we request that the proponent install fixed sensors on dwelling structures to monitor and evaluate resonant vibration of dwellings to MCRailwayBQ blasting events, and that the results be available for public inspection.**

## Cost Benefit Analysis

114. At the time of writing MCQAG is awaiting the finalization of an expert peer review of the ADA CBA. MCQAG shall forward this document on in due course when received, for consideration by the Minister.

## Reasonable and Feasible Mitigations Not Proposed or Appraised



115. As detailed in MCQAG's meeting with DPIE's Mr Sprott and Mr McDonough, it is apparent that the Proponent has not yet addressed nor assessed multiple other reasonable and feasible mitigation measures (other than by making statements in the ADA that they are not commercially acceptable) that could be implemented to mitigate impacts to residents as part of the Proposal.
116. MCQAG has attached the results of a study conducted on the modern quarrying facilities in the Southern Highlands, the findings highlighted numerous reasonable and feasible measures that have not been scoped or evaluated in any detail within the ADA, these include a 2.7km private road and \$34million interchange on to the Hume Highway at Holcim's Lynwood Quarry (current scale 2.2Mtpa) to ameliorate trucking impacts on the village of Marulan, Gunlake Quarry (formerly scale 0.7Mtpa now 2.0Mtpa) utilizes a 3.6km by pass along Red Hills Rd to ameliorate impacts of trucking on the village of Marulan, Multiquip's Ardmore Park Quarry (current scale 0.4Mtpa) was required to construct a 6km private bypass road around the village of Bungonia to ameliorate the community of trucking impacts, Boral Peppertree Quarry (current scale 3.5Mtpa) transports 100% of its product to market by rail and Holcim Lynwood Quarry transport a significantly greater proportion of product to market by rail than road. Multiquip's Ardmore Park Quarry was required to upgrade 23km of regional road network to bring the entire route up to Ausroad Standards.
117. Closer to home in the local area of MCRailwayBQ, the neighbouring Brandy Hill Quarry was required under condition 12 of its 1981 consent to construct Brandy Hill Drive as a heavy vehicle bypass road to ameliorate the impacts of quarry trucks through the village of Seaham. See Attachment 13 – Brandy Hill Quarry 1983 Consent Conditions (exert) for details.
118. Having regard for the 2016 EIS and now the ADA, both have failed to properly and comprehensively assess other reasonable and feasible measures;
- b. We ask what other bypass alternatives exist around Paterson other than the one ruled out by council in 2014? Has a scoping and feasibility study been completed on an alternate route via private property around the Western side of Paterson village? Have any landowners been approached? What is the likely capital cost of a bypass based on a concept design and how does that capital cost impact the NPV and CBA of the project?
  - c. What alternate road routes to market exist? Why has the use of Dungog Rd via Clarence Town Rd not been assessed as a shared or alternate transport route to ameliorate impacts on residents along Haul Route 1. This has been previously raised with the Proponent as a reasonable and feasible route which would add only 20 minutes travel time between MCQRB and the Hexham interchange. What is the likely capital cost of a splitting haulage along an alternate Route 2, based on a concept design and how does that capital cost impact the NPV and CBA of the project?
  - d. Why has 100% by rail been disregarded within the ADA? In contradiction the Rail Logistic Report in section 5.7 confirms that a throughput of 1.1million tonnes would be required for a 100% rail option transporting

aggregates into Newcastle's Port Waratah. The author states that that fixed costs would have to be spread across a throughput of 1.1million tpa in order to compete with other quarries in the market transporting by rail.

**These suggested mitigations have been raised with the Proponent on numerous occasions. We request the Minister to require the Proponent to make a meaningful assessment of other reasonable and feasible measures as detailed above (and elsewhere in this document) to ameliorate lived experiences and the clear unacceptable social impacts that will occur if approved by the 40 hourly and 280 daily peak trucking movements proposed.**

## Conclusion

119. We have set out above the concerns that our committee and membership have with the ADA. Based on our lived experiences of recent and current unlawful operations we have great concerns regarding the scale and magnitude of the proposed operations and the proposed method of transport of product by road from the site. We attached complaints records Attachment 3 – Complaint Records that shed light on just some of the impacts being incurred by residents during unlawful operations at a similar scale to what is now proposed in the ADA.

120. The Proponent has gone to great lengths in a 222-page Geological impact Assessment Report to detail and compare the resource at MCRailwayBQ. The conclusion of that report was that the properties of the MCRailwayBQ resource were favourable or better than other quarries in the local region. The reader is led to believe that this is a rare and sought-after resource in a region where supply is likely to diminish from other quarry pits. MCQAG committee submits that the position taken on this resource contradicts the statements in other sections of the ADA where the Proponent claims it is not commercially feasible to transport more product by rail from the Site. We rhetorically ask if the resource is so important and different to other local quarries why can't its customers be charged a small premium for access to that product via rail distribution centres or via bypass roads of impacted communities and along haulage routes that meet modern and expected Ausroad Standards.

121. The Proposal, as exhibited, is quite simply an incompatible development. In particular:

- a) the ADA currently incorporates unlawful operations in background environmental data where that data was acquired prior the Proponent complying with lawful consent conditions;
- b) the ADA fails to address or properly assess and mitigate the amenity impacts;
- c) the ADA will result in unacceptable road safety outcomes in particular having regard to Gostwyck Single Lane timber bridge and the Activity Centre of Paterson;

- d) the ADA will result in unacceptable impacts to our members who reside immediately around the Site in relation to new industrial noise, blasting, air quality and rural amenity;
- e) the ADA fails to address all of the requests and details contained within the SEARs and Mr Reed's Letter requesting Response to Submissions dated 2<sup>nd</sup> December 2016;
- f) the lived experiences show, that the new intrusive and nuisance noise impacts from the development will result in unacceptable social impacts;
- g) the noise impact assessment contains numerous errors and inaccuracies that result in misleading assertions being made within the ADA;
- h) numerous reasonable and feasible mitigations have either been ignored, omitted or 'slotted in without commitment' as a future aim or work in progress.
- i) there will be an unacceptable loss of significant threatened species and threatened species habitat; and
- j) the SIA is grossly in error and in any case, the ADA parameters exhibited will result in unacceptable 'Very High' and 'Extreme' social impacts affecting many people across a wide area for up to 25 years duration.

The Minister may require the Proponent to address each of the matters listed within this document and attachments in a revised ADA. However the process has been extraordinarily lengthy, and every opportunity has been extended to the proponent to address the real and pertinent issues, such that it would be reasonably open for the Minister to refuse the application due to the failure of the proponent to address significant issues in the ADA, SEARs and Response to Submissions Request.

Finally, the evaluation provisions of s.4.15 of the Environmental Planning and Assessment Act 1979 are relevant to the consideration of the proposal and are to be taken into account by the consent authority-

*(a) the provisions of—*

*(i) any environmental planning instrument (the Dungog LEP and State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

*that apply to the land to which the development application relates*

We would respectfully submit that when all the facts and opinions are weighed by the consent authority then, having regard to those statutory provisions, SSDA 6612 should not receive consent.

## References

1. Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153
2. Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council [2019] NSWCA 147
3. Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd [2016] NSWLEC 164
4. Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 3) [2019] NSWLEC 3
5. Dungog Shire Council v Hunter Industrial Rental Equipment Pty Limited [2019] NSWLEC 132
6. CEAL Limited v Minister for Planning & ors [2007] [67
7. Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited [2013] NSWLEC 48
8. <https://www.epa.gov/coalash/coal-ash-basics>
9. [https://www.safeworkaustralia.gov.au/system/files/documents/1901/code\\_of\\_practice\\_-\\_how\\_to\\_manage\\_work\\_health\\_and\\_safety\\_risks\\_1.pdf](https://www.safeworkaustralia.gov.au/system/files/documents/1901/code_of_practice_-_how_to_manage_work_health_and_safety_risks_1.pdf)
10. <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/local-government-heritage-guidelines.pdf>

# Attachment 1 – Graph Overlay – Lawful and unlawful Operations

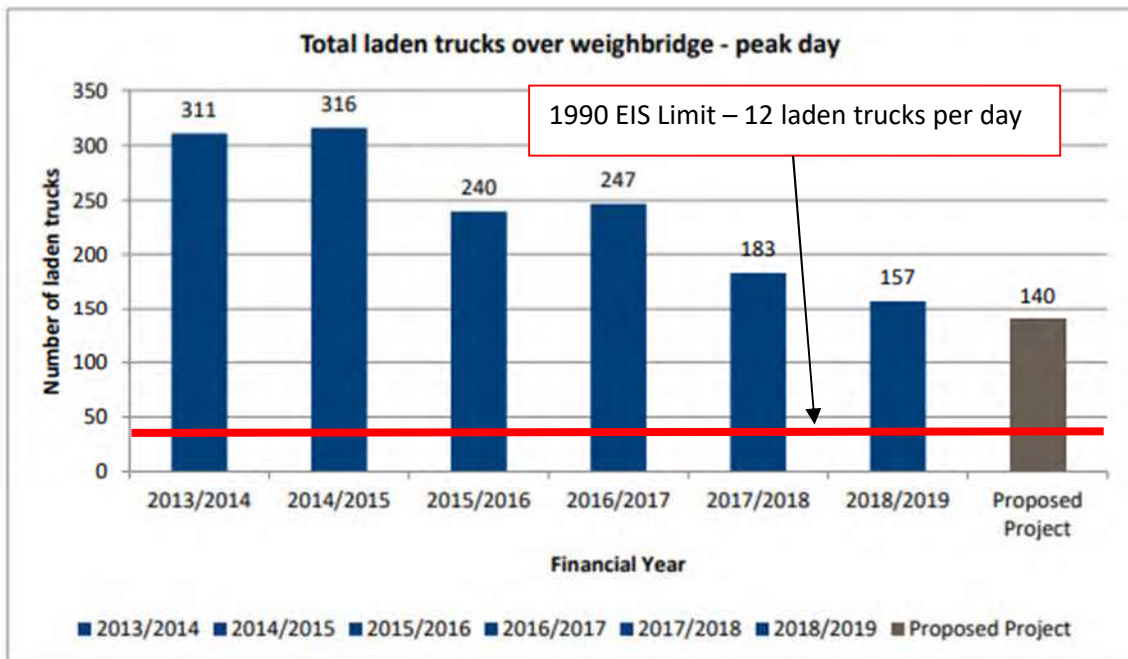
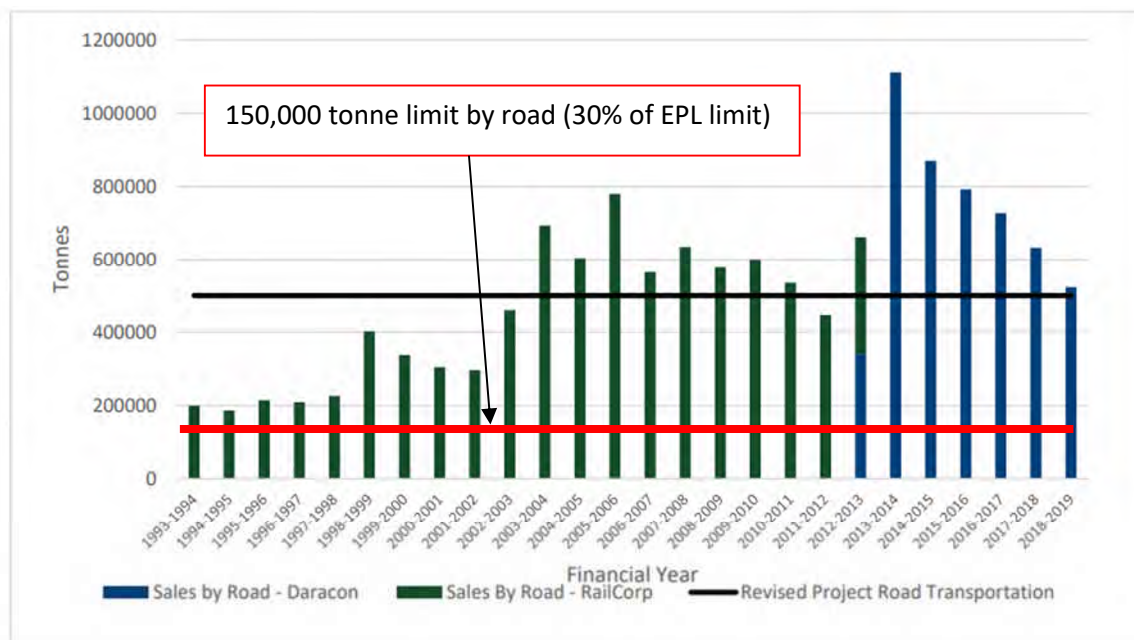


Figure 7.3 Total Laden Trucks Over Weighbridge (Peak Day) – Historic vs Proposed Peak<sup>23</sup>



Source: Daracon, 2021

Figure 7.4 Martins Creek Quarry Historical Road Tonnages (tpa) 1993-2019

## Attachment 2 – Existing Consents

### Exert of 1991 Consent Document

Development: An Extractive Industry ("Designated Development")  
being a quarry, winning material primarily for  
railway ballast.

1. The development being conducted in such a manner as  
as not to interfere with the amenity of the  
neighbourhood in respect of noise, vibration,  
smell, dust, waste, water, wast products or  
otherwise;

#### Product Transportation

6. The applicant shall not permit the transport of  
more than 30% of the quarry products, by road  
without the further specific approval of Council.

### Exerts from 1990 EIS

#### Product Delivery

Quarry products are shipped by rail and road. The distribution is  
70% by rail and 30% by road vehicles. The road vehicles used  
consists of a fleet made-up as follows:

Truck movements have been estimated on the basis that 30% of the  
annual production of 265,000 tonnes of all products is removed by  
road. Twenty three tonnes per load has been taken as an average  
load of the fleet vehicles. Operations at 5.5 days per week for 50  
weeks per year gives 12 loads per day, thus 24 truck movements per  
day. The destination of these trucks will depend on regional  
demand. The majority of truck deliveries are to the south.

The proposal is to develop a "new" quarry on land adjacent to the  
existing "old" Martins Creek quarry. The existing infrastructure  
at the "old" quarry, that is crushing plant, other fixed plant,  
mobile plant, haul roads and staff will be retained. Haul roads  
will connect the "new" quarry with the "old" quarry. The "new"  
quarry will occupy about 5 ha and another 5 ha will be required for  
haul roads and setbacks.

## Attachment 3 – Complaint Records

Incident Date/Time	Notification No.	Call Taken	Call Type	GIPA677 Buttai Gravel Pty Ltd Sept 2012-Feb2016	Incident Location	Caller Name	Involved Party	Suburb	LGA
11/11/2015 02:10:00 PM	I15045-2015	11/11/2015 02:23:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Fairly big blast from BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY, STATION STREET that shook the windows and items on shelves. Caller stated much bigger compared to the last couple of blasts that went off last week	BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNGOG
11/11/2015 01:55:00 PM	I15046-2015	11/11/2015 01:58:00 PM	300 NOISE/VIBRATION - 301 MINE - Particulates/dust	Powerful blast & huge dense cloud of dust caused by Martins Creek Quarry, Station St, Martins Creek. The blast happened today 11/11/15 at say 13:55, caller said it went all up for 10-15 seconds. It started with a excessive rumble and vibration from the ground up and went up their S. 74 house with car ports underneath, went VOOM and then a powerful and loud explosion blast, the whole house shudders, pictures and lights moved. Caller was in the kitchen and her husband was in the lounge room, caller said this blast is the worst one and said the recent blasts are getting progressively worst and moving closer and are getting bigger and bigger and more powerful, S. 74 Caller said there was a huge dense light brown clay colour cloud of dust at the site resulting from the blast-caller said you could not see the walls of the quarry through the trees around the site, there are some strong winds which would have dispersed the dust as caller could see the walls of the quarry through the trees. Caller said even their kitty cat would respond to the blasts and be startled.	Powerful blast & huge dense cloud of dust caused by Martins Creek Quarry, Station St, Martins Creek.		BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNGOG
Section 74									
06/11/2015 02:15:00 PM	I14880-2015	06/11/2015 02:29:00 PM	300 NOISE/VIBRATION - 301 MINE	Huge blast occurred from MARTINS CREEK QUARRY Station Street Martins Creek. Caller said the whole house shook violently. Caller is very distressed.	MARTINS CREEK QUARRY Station Street Martins Creek		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNGOG
14/10/2015 12:30:00 PM	I13878-2015	14/10/2015 12:51:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller, S. 74 was affected by noise/vibration from a blast at the quarry today at about 12:30, which caused the house to shake. The caller notes that there are cracks in the home believed to be due to blasting.	Buttai Gravel MARTINS CREEK QUARRY, noise impact to resident of Vacy		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNGOG
14/10/2015 12:33:00 PM	I13873-2015	14/10/2015 12:37:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller was affected by significant vibration associated with a blast at the quarry today. The caller indicates that the blast itself was relatively mild, but the after effects - the falling rock, caused the house to shake.	Buttai Gravel MARTINS CREEK QUARRY, noise impact to local resident		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNGOG
Section 74									
17/09/2015 12:30:00 PM	I12717-2015	17/09/2015 12:42:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise from blast at Buttai Gravel (Martins Creek Quarry) EPL 1378, Station Street Martins Creek. The noise was much louder than blasts have been recently, and a very long noise. The caller didn't feel any vibration.	Buttai Gravel EPL 1378, Station Street Martins Creek.		BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNGOG

Release by EPA under GIPA677 / EPA270



17/09/2015 12:29:00 PM	I12718- 2015	17/09/2015 12:41:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Caller affected by noise and vibration from a blast at the quarry today. Caller received notification of blast late yesterday afternoon. The caller indicated that the noise and vibration seemed to be greater than normal compared to other blasts. The home shook, windows rattled and the vibration was clearly discernible to the people within the home. Weather is overcast t present.	Buttai Gravel MARTINS CREEK QUARRY	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
I11340- 2015	18/08/2015 06:09:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	Report emailed to info@environment on 18/8/15 at 6:09pm: Complainant has lived in Martins Creek for the past S. 74 Complainant I believes that blasting regularly carried out by the operators of the quarry (Daracon) is causing damage to their house. Cracks in walls and damage to window fittings are the main cause of concern. S. 74 S. 74 S. 74 S. 74 S. 74 S. 74 S. 74 Complainant would appreciate advice as to what we can do. Is compensation available so I can repair the damage? Can the blasting be reduced? Can you send someone to monitor the blasting and its effects? (email attached)	MARTINS CREEK QUARRY, STATION STREET, MARTINS CREEK	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG	
26/06/2015 12:00:00 AM	I08909- 2015	01/07/2015 11:08:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Buttai Gravel Pty Ltd (Daracon), Station Street, Martins Creek. Caller is reporting of extremely loud blast from the mine last Friday (26/06/15) afternoon and that the noise was progressive. Caller said company did send the flyer regarding the blast, but this noise was louder than previously experienced. Caller wants EPA to investigate this noise incident and whether the company met its licence condition.	Buttai Gravel Pty Ltd (Daracon), Station Street, Martins Creek 2420	Section 74 BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
29/06/2015 01:10:00 PM	I08812- 2015	29/06/2015 04:59:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Windows rattled today; like a quarry blast. Very slight noise aud ble in the background; but caller was not advised of any blast. If this was due to a blast they should have been notified. It was unusual, and may have been caused by something else. Can EPA advise, please.	Vibration in caller's house: from an unannounced blast. Martins Creek Quarry (but not sure).		VACY	DUNOGG
26/06/2015 01:40:00 AM	I08687- 2015	26/06/2015 02:07:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Martins Creek Quarry, Station Street, Martins Creek. EPL: 1378. Caller is reporting of a large explosion at the mine at around 1.40 pm this afternoon which shook caller's house. S. 74	Martins Creek Quarry, Station Street, Martins Creek 2420. EPL: 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
26/06/2015 01:40:00 PM	I08684- 2015	26/06/2015 01:51:00 PM	300 NOISE/VIBRATION - 301 MINE	Huge loud blast caused by Martins Creek Quarry, Station Street, Martins Creek. There was a very loud blast from the quarry that shook the whole house, windows, shed, the animals went berserk and callers wife ran out of the house thinking it was the Newcastle earthquake. Caller said they have not experienced a huge blast like it for a very long time that it felt like the side of the mountain was falling down. Caller said the blast happened approximately 13:40 today 26/6/15. Please contact caller.	Huge loud blast caused by Martins Creek Quarry, Station Street, Martins Creek.	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG

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105289-2015	15/04/2015 02:31:00 PM	100 AIR PARTICULATES - 102 WASTE FACILITY - N/A	Martins Creek Quarry, Station Street, Martins Creek. EPL: 1378. Caller is reporting of dusts being emitted from trucks leaving the quarry from 6 am till 6 pm, Monday to Friday and sometimes on Saturdays. Caller said nothing has been done to control the dust.	Martins Creek Quarry, Station Street, Martins Creek 2420. EPL: 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
05/03/2015 05:45:00 AM	I03146-2015 05/03/2015 11:41:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	Caller referred to EPA by Council. The caller raises a concern that the Martins Creek quarry is sometimes commencing operation prior to 6am. The caller has noticed it on a number of days in recent weeks but didn't note exactly which days. It was audible this morning before 6am. The noise that is audible to the caller is described as truck movements and the sound of gravel loading (like a "shooosh"). The caller also mentions that their house shakes when the quarry undertakes blasting.	Martins Creek Quarry, noise impact to nearby resident	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
03/02/2015 02:10:00 PM	I01460-2015 03/02/2015 02:31:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Overpressure from blast at 2.10pm from Martins Creek Quarry; volume 'same as usual' but the shaking of windows in the caller's home after the blast seemed to last significantly longer than usual. Only seconds, but still noticeably longer than usual.	Martins Creek Quarry; Station St - EPL 1378, VACY. Overpressure affected caller's home at Wakaya Cl, Vacy.	BUTTAI GRAVEL PTY LTD	VACY	DUNOG
31/10/2014 01:37:00 PM	I15909-2014 31/10/2014 01:57:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Loud blast from: Martins Creek Quarry, Station Street, Martins Creek. Blast happened today 31/10/14 at 13:37, caller was inside the house, he said the house & shelves vibrated.	Loud blast from: Martins Creek Quarry, Station Street, Martins Creek, NSW 2420.	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
31/10/2014 01:45:00 PM	I15908-2014 31/10/2014 01:54:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Loud blasting from Martins Creek Quarry. S. 74 and it shook the house badly.	Martins Creek Quarry. Martins Creek.	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
07/10/2014 06:30:00 AM	I14699-2014 09/10/2014 10:25:00 AM	300 NOISE/VIBRATION - 303 INDUSTRIAL - N/A	Report received by email to info@environment on 7/10/14 at 07:20. Complainant wishes to lodge a complaint about noise from large machinery working at Martins Creek Quarry. The noise woke the complainant at 06:30 on 7/10/14. S. 74 and the sound of the heavy machinery is audible if the complainant's windows are open. During the warmer months the complainant prefer to sleep with windows and doors open. Complainant is aware of many issues relating to this Quarry, but was under the impression that they were operating under certain guidelines that restricted the times within which they could operate their machinery. Complainant thinks that 06:30 is not a reasonable time to commence operations given the number of residents that live within hearing range of the Quarry. This is a semi-rural / residential / bush land area and the noise is offensive and intrusive at the best of times, whereas being woken by it at 06:30 is unacceptable. Email is attached in this report.	Martins Creek Quarry (Buttai Gravel), Station St, Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
08/10/2014 01:50:00 PM	I14662-2014 08/10/2014 02:16:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL	Loud blast caused by: Martins Creek Quarry, Station St, Martins Creek. Caller said the blast happened today 8/10/14 approximately 13:50, and said it was very loud, he was running a generator near the garage and heard the loud blast over the top of the generator noise, caller had to stop and step out and look at the direction of the quarry to see what's happened. Caller said the blast is the loudest he has ever heard from the quarry, it seems like it was a surface blast for it to be that loud, not underground.	Loud blast caused by: Martins Creek Quarry, Station St, Martins Creek, NSW 2420.	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG

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08/10/2014 01:45:00 PM	I14657- 2014	08/10/2014 01:51:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	The caller was affected by a blast today at the quarry, at approximately 13:45. The blast was loud and shook the caller's house. The sound and vibration continued for a little longer than they usually do.	Martins Creek Quarry, noise and vibration impac to resident of Vacy	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
05/09/2014 01:20:00 PM	I13143- 2014	05/09/2014 02:40:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise and some vibration from a blast at the quarry which went off around 1:20pm today. The noise was louder and lasted longer than usual. There was some vibration as well.	Martins Creek Quarry EP 1378, Station Street Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
05/09/2014 01:23:00 PM	I13139- 2014	05/09/2014 01:48:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Noise and vibration from Martins Creek Quarry. Caller notes that a blast was let off today at 1:23pm. The vibration shook her house and opened up a crack wider in an internal wall. Glasses in the cupboard shook and pictures moved on the wall.	Martins Creek Quarry EP 1378, Station Street Martins Creek	Section 74 BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
05/09/2014 01:22:00 PM	I13135- 2014	05/09/2014 01:37:00 PM	300 NOISE/VIBRATION - 301 MINE	Loud blast at: Martins Creek Quarry, Station St, Martins Creek. Caller said the quarry called them and said the blast will happen at 1:30pm today, however it happened earlier and it was a loud blast at 1:22pm today. Caller said it was a fairly substantial bigger blast and lasted for a few seconds more longer, the blast shook the house windows. Caller said its raining and damp outside.	Loud blast at: Martins Creek Quarry, Station St, Martins Creek, NSW 2420	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
05/09/2014 01:25:00 AM	I13132- 2014	05/09/2014 01:35:00 PM	300 NOISE/VIBRATION - 301 MINE - N/A	Buttai Gravel , Martins Creek NSW. EPL- 1378. Caller is reporting of noise and vibration from extremely large blast from the mine at 1.25 pm today. It shook caller's entire house. Caller said there are cracks on the ceiling.	Buttai Gravel , Martins Creek NSW 2420. EPL- 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG

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I11986- 2014	12/08/2014 06:13:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY	<p>Report emailed to Daracon and copied to info@environment on 12/8/13 at 6:13pm: Complainants are experiencing excessive blasting from the Martins Creek Quarry S. 74</p> <p>S. 74 and have never had problems with the quarry until the last 12-18 months. In that time their house is showing signs of damage from explosions that shake their house, with vibrations coming up through the floor and rattling windows. Consequently, they now have significant cracks throughout their house in the gyprock, cornices, pavers around the edge of their S. 74 and cracking of mortar in outer brickwork to the extent that some of the mortar has even fallen out. They are also dealing with an increase in noise pollution and dust, especially with a southerly wind blowing. S. 74</p> <p>S. 74 This is going to have a huge impact on the value of their homes and quality of life. They are also very concerned regarding the wildlife in this area and don't believe they are being taken into account. In the 17 years they have been here, they have seen quite a few echidnas, possums, kangaroos, wedge-tail eagles and many other native birds and reptiles. Most worrying is that there are koalas in this area. They had a young koala access their property as recent as late last year. They have legitimate concerns for their future here given Daracons' intentions to expand threefold and operate 24/7. They would like to know what measures will be taken to ensure that their house is not going to be damaged further and that they can continue to enjoy living here in what had always been a peaceful environment. ( email attached)</p>	Daracon ( Martins Creek Quarry), Station St, Martins Creek	Daracon	MARTINS CREEK	DUNOGG
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I11915- 2014	07/08/2014 09:22:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY	<p>Report emailed to info@environment on 7/8/14 at 9:22am: Complainant emailed concerns to Daracon and copied info@environment on 7/8/14 at 9:22am: Complainant advising they have several cracks in their plaster, only appearing in the last 18 months. S. 74</p> <p>S. 74 Daracon stated at the public meeting that they had received very few complaints so here is another. When complainant first moved to Vacy they could not hear or see the quarry from where they live but now with extra blasts they have noticed cracks in their plaster which are becoming more prominent. When a blast happens they can feel the vibration through their body, china rattles and the house vibrates which no doubt will cause the cracks as a result. Filling cracks and repainting will only be a temporary solution until the next blast and the cracks will open up again. Increased noise from crushing, blasting and loading along with dust has become so uncomfortable that they need to keep their windows and doors closed but can only muffle out to a certain degree. This was never the case before. Complainant asks for the name, type, specifications, age and location of Daracon's dust, noise and blasting monitors. Also asks for notification on when Daracon will be blasting and readouts from their monitors to demonstrate that Daracon is meeting regulatory conditions. ( email attached)</p>	Daracon- Martins Creek Quarry- Station St, Martin Creek	Daracon	MARTINS CREEK	DUNOGG
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06/08/2014 01:49:00 AM	I11687- 2014	06/08/2014 02:01:00 PM	300 NOISE/VIBRATION - 301 MINE - N/A	BUTTAI GRAVEL PTY LTD, Martins Creek NSW 2040. EPL # 1378. Caller is reporting of noise and vibration from the blast at the quarry. Caller was outside near clothes line and could feel the vibration through her body. The blast happened at approximately 1.49 pm today. Caller said the blast is happening almost every week. Caller can see cracks inside the house.	BUTTAI GRAVEL PTY LTD, Martins Creek NSW 2040. EPL # 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
06/08/2014 12:00:00 AM	I11681- 2014	06/08/2014 01:59:00 PM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Large blast at 1.45pm today; significantly louder than usual. Caused animals distress on caller's property.	Martins Creek Quarry: EPL 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
25/07/2014 12:29:00 PM	I11113- 2014	25/07/2014 12:52:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Noise/vibration	The caller was affected by a blast at the quarry at about 12:29, it caused the caller's house to shake. Windows rattled and vibrations were felt through the caller's body, the blast was also audible. S. 74 S. 74	Martins Creek Quarry, vibration impact to resident in Vacy	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
I09041- 2014	02/06/2014 07:59:00 PM	100 AIR PARTICULATES - 102 WASTE FACILITY - Noise/vibration	Report emailed to info@environment on 2/6/14 at 19:59pm: Complainant lives near Martins Creek quarry, and is concerned about the dust and noise they are making. They say the dust is being monitored. But complainants gutter is always full of dirt these days as they clean them often; Complainant uses tank water for the house. Complainant asks if EPA monitor the dust and noise from the quarry. They don't like to think that they are breathing in that dust all day, and some days it's so noisy you can't go outside. Complainant would like to know how they can get a report on dust and noise from the quarry and asks if the quarry is doing anything about it. ( email attached)	BUTTAI GRAVEL PTY LTD, MARTINS CREEK QUARRY, Station St , MARTINS CREEK- EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG	Section 74
02/06/2014 01:40:00 PM	I08810- 2014	02/06/2014 02:43:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Excessive vibrations from a blast at BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET MARTINS CREEK causing glasswear in cupboards to rattle and clash together. Caller very concerned about the possibility of more cracks in the family home as caller already has one crack.	BUTTAI GRAVEL PTY LTD EPL#1378 MARTINS CREEK QUARRY STATION STREET MARTINS CREEK	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG
02/06/2014 01:41:00 PM	I08809- 2014	02/06/2014 02:36:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL	Very Loud blast from the quarry. Caller was inside their house when the blast happened, said the blast/noise vibrated through their body and caller could hear the noise through the window. S. 74 S. 74 S. 74	7 Wakaya Close, VACY, NSW, 2421	BUTTAI GRAVEL PTY LTD	VACY	DUNOGG
02/06/2014 01:40:00 PM	I08806- 2014	02/06/2014 02:27:00 PM	300 NOISE/VIBRATION - 305 WASTE FACILITY - N/A	Excessive vibrations due to a blast at BUTTAI GRAVEL PTY LTD MARTINS CREEK QUARRY Station St Martins Creek - EPL 1378	BUTTAI GRAVEL PTY LTD MARTINS CREEK QUARRY Station St Martins Creek - EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG

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02/06/2014 02:00:00 PM	I08804- 2014	02/06/2014 02:23:00 PM	300 NOISE/VIBRATION - 301 MINE	Excessive blast from MARTINS CREEK QUARRY Station St Martins Creek. The blast caused massive vibration which shook the whole house and all china dishes rattled in the cupboard. Aall neighbours came out to see what the noise was. Caller says the blasting was like an earthquake.	MARTINS CREEK QUARRY Station St Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
29/04/2014 06:00:00 PM	I08555- 2014	28/05/2014 04:35:00 PM	300 NOISE/VIBRATION - 303 INDUSTRIAL - Particulates/dust	Report received by email to info@environment on 26/5/14. In summary the complainant attached a 'drop box' link of video footage of the Buttai Gravel/Martins Creek Quarry operator breaching licence conditions across multiple dates. Item 1 - IMG0421.MOV - filmed 29th April 2014 shot at 18:00 onwards showing crusher and conveyors continuing to run after 18:00 and loader movements onsite outside the approved hours of operations per L6.2. Item 2 - IMG0433.MOV - filmed 30th April 2014 shot at 18:00 showing crushers continuing to operate after 18:00 and vehicle and loader movements on site outside approved hours. Item 3 - IMG0450.MOV - filmed 14th May 2014 shot at 18:00 onwards showing crusher continuing to operate and vehicle movement onsite after hours. Item 4 - IMG0466.JPEG - Photo shot on 17th May 2014 showing significant dust plumes coming from crushing operations on the western lots of the quarry (lot 5 & 6). Item 5 - IMG0471.MOV - filmed 21st May 2014 shot at 19:08 onwards, records from 03:12mins onwards maintenance occurring on the crushers with audible rattle guns. The repeated audible cracking sound throughout the video is some type of pressure relief valve occurring from the cement hoppers. From the footage it appears for items 1,2,3 & 5 they are breaching condition L6.2 of their licence (at least definitely where the crusher is still running and where they are using rattle guns for maintenance). From the photo in item 4 the operator appears to be in breach of condition O3.1 - there doesn't appear to be any dust suppression systems on their conveyor, crushers or stock piles. Complainant thinks air pollution limits are monitored via the high volume air sampler recording averages. Is this correct or does EPA have ability to query / enforce O3.1 also? Complainant has footage on a USB stick if required but requests that this footage is not divulged to any third parties. Original email with drop box link is attached in this report.	BUTTAI GRAVEL (Martin Creek Quarry), STATION STREET, MARTINS CREEK - EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG
I08492- 2014	28/05/2014 08:55:00 AM	400 WATER - 407 MINE	Caller believes Martins Creek Quarry has previously blocked off local creek as the creek was very dry last year (caller cannot remember exact date or month). The creek always has water in it. The creek now has water but the caller's animals are sick with cancer and caller suggests the creek water is contaminated from the mine.	MARTINS CREEK QUARRY Station St Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOGG	
28/04/2014 06:00:00 AM	I06886- 2014	28/04/2014 04:14:00 PM	300 NOISE/VIBRATION - 301 MINE	Loud machinery noise coming from Martins Creek Quarry Station St Martins Creek. Caller says the noise started at 06:00 and has progressing loudly as the afternoon approached where caller says the noise is unbearable now.	Martins Creek Quarry Station St Martins Creek	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOGG

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I05252-2014	26/03/2014 01:49:00 PM	1300 OTHER - 1301 EPA LICENSED - N/A	Report emailed to info@environment on 26/3/14 at 13:49: In summary complainant has a number of grave concerns that relate to the quarry operations and associated transport activities of the extraction and cumulative environmental impact of these works. A number of these concerns complainant states are outright breaches of the licensees operating conditions. In the second instance a number of these concerns are subjective cumulative impacts not adequately addressed or controlled within the licences current conditions. ( see email attached)	Buttai Gravel Pty Ltd ( MARTINS CREEK QUARRY), Station St, Martins Creek: EPL 1378	BUTTAI GRAVEL PTY LTD EPL#1378	MARTINS CREEK	DUNOG
26/02/2014 12:00:00 AM	I03033-2014 26/02/2014 10:07:00 AM	300 NOISE/VIBRATION - 305 WASTE FACILITY - Particulates/dust Noise/vibration	Caller affected by early morning noise from the quarry, trucks are parked in the yard overnight, caller hears them start driving out of the yard to be loaded from about 5:30-5:40am, the trucks can then leave the quarry loaded at about six, sometimes a little before 6am. Licence conditions suggest that noise should not be affecting resident prior to 6am. Caller also affected by excessive dust from the road near the quarry, associated with trucks on the road. The premises have indicated that they can't water down the road because it makes it muddy, they also don't seem to water down the truck before they leave. The cloud of dust is visible from a long distance away, the dust generally seems worse recently.	Buttia gravel, Station Street Martins Creek	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
19/12/2013 08:30:00 PM	I20402-2013 20/12/2013 08:33:00 AM	300 NOISE/VIBRATION - 301 MINE - Noise/vibration	Quarry has been working late virtually every night this week. Finishing time on the western side is 5pm and the eastern side is 6am-6pm. Caller can hear the crushers and the reversing alarms as late as 8.30pm or 8.45pm. Employees cars wake caller as they start arriving at 4.45am-5am and the trucks start up at 6am on site.	BUTTAI GRAVEL PTY LTD - ELR 1378 Martins Creek Quarry, Station Street, Martins Creek	Section 74 BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
09/11/2013 07:45:00 AM	I18534-2013 09/11/2013 08:02:00 AM	100 AIR PARTICULATES - 102 WASTE FACILITY - N/A	After hours call. Large amount of dust in air coming from the Daracon Quarry (Buttai Gravel), Station St and Grace Avenue, Martins Creek on 09/11/13 at 07:45. There is dust over the valley from their crusher. (A/hrs reference 31557)	Buttai Gravel (Daracon), Station St, Martins Creek EPL 1378	BUTTAI GRAVEL PTY LTD	MARTINS CREEK	DUNOG
22/10/2013 07:00:00 PM	I17694-2013 23/10/2013 08:55:00 AM	300 NOISE/VIBRATION - 301 MINE	Noise from trucks driving up Station St to the Martins Creek quarry last night at 19:00. caller says the the truck are not suppose to drive up Station St after 17:00. Caller also said they started work at the quarry at 06:30	Martins Creek Quarry Station St	Daracon	MARTINS CREEK	DUNOG
09/07/2013 04:00:00 PM	I11119-2013 09/07/2013 06:36:00 PM	300 NOISE/VIBRATION - 302 RAIL - Noise/vibration	AFTER HOURS. Caller advised there are trains idling past 19:00pm and goes on into the evening. The noise went from the afternoon until 2:00am. Ongoing issue . [A/HRS REF:# 24537]	Daracon, Martins Creek	Daracon	MARTINS CREEK	DUNOG

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Reference	Type	CallDate	CallerName	Suburb	Council	InciDate	InciTim	IncidentLocation	GIPA 677 Buttai Gravel Pty Ltd Sept 1996 - August 2012
<u>21856</u>	341	17/May/1999		MARTINS CREEK	DUNGOG	17/May/1999	10:05	RSA Quarry, Station St (owned by State Rail)	Noise from trucks driving to quarry, caller believes they are operating outside acceptable hours. Caller believes normal operating hours are 7am to 4pm, but trucks are arriving earlier, one at 2.30am recently, another this morning was at 3.50am, another one at 5am. Caller says "improvements" are being made at the quarry at the moment but he believes they are working outside limited hours. Caller wants to know what the official operating hours are. Could EPA inspector pls ring caller to discuss.
<u>23589</u>	300	12/Aug/1999		MARTINS CREEK	DUNGOG	11/Aug/1999	16:00	MARTINS CREEK QUARRY, TOCAL RD NEAR TARCOL SCHOOL	MARTINS CREEK QUARRY TRUCKS LEAVE QUARRY NOT USING TARPS TO COVER LOADS. DUST & ROCKS FLYING OFF TRUCKS - ONE CHIPPED WINDSCREEN. EPA SIGN SAYS COMPANY SHOULD BE USING TARPS.
<u>41855</u>	341	04/May/2001	S. 74	MARTINS CREEK	DUNGOG			State Rail Quarry	State Rail Quarry, Martins Creek has been blasting for ballast for railways. Caller says the blasting is causing cracks in house. Caller has been advised by a bricklayer recently that the cracks in the house is caused by the blasting. The bricklayer also brought a consultant along and the consultant verbally confirmed this. This problem has ongoing for last 2 years and the caller has to repeatedly having to keep repairing the cracks. The last blasting occurred 23/4/2001 and as a result there is extensive cracking inside and exterior of the house.
<u>43405</u>	300	26/Jun/2001		MARTINS CREEK	DUNGOG	26/Jun/2001	15:30	Metromix quarry - Station Street	Metromix quarry allow their transport trucks to operate with uncovered loads. As a result caller says the dust in the area is unbelievable. Some days there are sixty to seventy trucks driving past - all of them uncovered. The verandah is permanently covered with gravel dust. This problem has been going on for years but seems much worse lately. Also the trucks start work at 05.30 in the morning - this is a couple of hours earlier than allowed and they are very noisy. Caller has complained to the quarry managers but she believes that they don't care about the local residents opinions on this. They also seem to be excavating much closer to callers residence than caller was originally advised. Caller believes they are almost regulating themselves as there never seems to be any checks on the premises etc and feels that an EPA inspector needs to be made aware of the problem.



<u>44498</u>	300	07/Aug/2001	PATERSON	DUNGOG	07/Aug/2001	10:00	Martin's Creek Quarry -	<p>30 Truck movements a day past my caller's home which create untenable amounts of dust preventing caller from opening doors and windows.</p> <p>S. 74</p> <p>S. 74</p> <p>S. 74</p> <p>Caller is requesting that the watering not only be on a regular basis but that it is extended because despite the short stretch of tar out the front of her home - the majority of truck drivers have no concern for the well being of the residents and mostly drive at top speeds (some hit 80km on the stretch). Also not all trucks have their loads covered and dust will migrate from the material as they fly past but her chief concern is the billows of dust from untarred road. Caller says that the quarry has been 'extracting a good living' for many years and although it is possible for the quarry to put another road into the site which doesn't affect the residents amenity - they haven't done so. Caller says that tarring the full stretch (which is mainly subject to heavy truck movements from the quarry) is another option which would at least address the dust from the road problem. Can EPA please investigate?</p>
<u>54879</u>	300	15/Jul/2002	MARTINS CREEK	DUNGOG	12/Jul/2002	20:00	MARTINS CREEK QUARRY, STATION RD	<p>TRUCKS FROM MARTINS CREEK QUARRY DRIVING PAST AT 8PM AT NIGHT CREATING A GREAT DEAL OF DUST AND NOISE. NOT TREATING THE ROAD TO PREVENT THIS DUST AND DRIVING VERY FAST.</p> <p>There is dust coming from the Martins Creek Quarry over the towns of Paterson and Martins creek. The dust is a large haze over the towns and has been present for the last few days. The dust is very bad. It is catching in callers throat and their eyes are puffy. Callers home is full of dust. Yesterday was particularly unbearable. Caller lives quite a distance from the quarry and caller is concerned for the S. 74</p> <p>S. 74 .Caller has been putting up with this for years, but have never complained. Now they have had enough and want the EPA do do something about it. Caller was told there is no dust suppression at the quarry at all. There was also a loud blast yesterday afternoon which rocked the callers home.</p>
<u>67495</u>	300	19/Sep/2003	MARTINS CREEK	DUNGOG	19/Sep/2003		Martins Creek Quarry (Licence 1378)	

<u>71789</u>	341	23/Feb/2004		MARTINS CREEK	DUNGOG	22/Feb/2004	5:45	Martins Creek Quarry	<p>Caller reports that the quarry was working on Sunday. Trucks arrived at .5.45am &amp; began leaving at 6am. Caller feels they finished at about 13.45hrs. Caller is approx 1/2k from the site. Caller asks what are their approved work hours? Trucks arrive at midnight regularly &amp; travelling at about 90kph in order to be the first truck out in the morning. Is this allowed?</p>
<u>71853</u>	341	24/Feb/2004		MARTINS CREEK	DUNGOG	24/Feb/2004		RIC Quarry, Douglas St	<p>Noise from the RIC quarry at Martins Creek. The quarry operates from 6am every morning and trucks from the quarry are there at 5am. 15 -20 trucks will line up, in an attempt to be the first into the quarry. Sometimes they park at the quarry in the middle of the night and drivers sleep in their trucks. Last Sunday they were working from 6am as usual. Two weeks ago they were working at 10pm on a Sunday. Could an EPA officer please phone caller back to explain their legal hours of operation.</p>
<u>71881</u>	341	25/Feb/2004	S. 74	MARTINS CREEK	DUNGOG	25/Feb/2004		Martins Creek Quarry Licence # 1378	<p>Caller reports that the quarry started operations at 5am on Sunday (22/02/04). Truck were passing at high speed to access the quarry. The noise was very intrusive.</p>
<u>75454</u>	341	21/Jun/2004		MARTINS CREEK	DUNGOG	21/Jun/2004		Martins Creek Quarry (State Rail and Metromix)	<p>Noise and dust from trucks arriving and leaving Martins Creek Quarry. This morning trucks arrived at 5:15am, they then sat at the gates with the engines running. Sunday morning a truck arrived at 6:15. This is an ongoing issue. Trucks have been leaving the site as late as 5:45pm. Caller would like to discuss this issue with an operations officer.</p>
<u>82765</u>	341	17/Mar/2005		MARTINS CREEK	DUNGOG	17/Mar/2005	6:00	Martins Creek Quarry	<p>Noise from trucks arriving early hours at Martins Creek Quarry. Caller says the licence allows the quarry to operate from 06:00-18:00. The trucks are arriving at 05:15. Caller had complained last year and the trucks stopped for awhile but now are starting early again. Caller is also querying why the mine is allowed to operate at 06:00 when other mines in the area start at 07:00.</p>
<u>84782</u>	341	02/Jun/2005		MARTINS CREEK	DUNGOG	02/Jun/2005	5:10	Martin's Creek Quarry - enroute along Patterson Road	<p>Noise of heavy B-double trucks passing caller's home from 5.10am onwards for a 6am start at the mine. There is money allocated to upgrade the road but it has been 8 months since caller was told it is seemingly underway, yet nothing has been done. Caller asks if it is possible to have a db reading done?</p>

<u>93540</u>	341	20/Jun/2006	MARTINS CREEK	DUNGOG	20/Jun/2006	12:50	Railcorp/Martins creek quarry	Noise/vibrations from quarrying: Caller reports that two explosions from the quarry caused house to shake violently, a tile fell off the bathroom wall, windows rattling very hard also. Caller is not normally home during working hours but had noticed a similar event about a month ago. Referred to EPA by council. Caller would appreciate a telephone call to discuss the matter.
<u>101058</u>	390	24/Jul/2007	MARTINS CREEK	DUNGOG	24/Jul/2007	13:43	Martins Creek Quarry (owned by Daracon)	Water in Martins Creek, passing through S. 74 looks muddy. Caller is concerned about water quality, as S. 74 S. 74. Caller believes mud is coming from mine. A neighbour has told her this, although she cannot see a point where the muddy water enters the creek.
<u>102217</u>	341	21/Sep/2007	MARTINS CREEK	DUNGOG	21/Sep/2007	13:52	Martins Creek Quarry lic 1378	2 very loud blasts occurred yesterday at Martins Creek. Caller would like feedback if there is any monitoring occurring on this quarry site as it is very close to the village area.
<u>102923</u>	300	29/Oct/2007	S. 74 MARTINS CREEK	DUNGOG	29/Oct/2007	11:30	Martins Creek Quarry	Railway ballast quarry is causing excessive amounts of dust when they fill up the pugmill.
<u>104769</u>	340	08/Feb/2008	PATERSON	DUNGOG	08/Feb/2008	13:31	Martins Creek Quarry	Caller advised there was a blast from Martins Creek Quarry that shook the house and rattled the windows.
<u>104957</u>	341	18/Feb/2008	MARTINS CREEK	DUNGOG	08/Feb/2008	13:30	Martins Creek Quarry (Railcorp operation), Douglas St	Explosion at Martins Creek Quarry (EPL 1378) operated by Railcorp on Friday February 8th at 13:30. House shook and callers know it has shaken when blasts have gone off previously when callers have been at home. Caller has contacted the Quarry previously and was told that if their house shakes or shows cracking it is not built to an appropriate Australian Standard - generally Quarry staff treat local complainants with contempt. Caller is located approx S. 74 rom the quarry. Closer neighbours get dust as well as shaken houses.
<u>106141</u>	341	17/Apr/2008	MARTINS CREEK	DUNGOG	17/Apr/2008	14:04	Martins Creek Quarry	Blast from Martins Creek Quarry, vibration felt while caller was out in paddock.

<u>109440</u>	341	10/Oct/2008		MARTINS CREEK	DUNGOG	02/Oct/2008	14:15	Martins Creek Quarry (Railcorp)	Caller reports that this afternoon (10/10/08) there was a large blast at the Martins Creek (Railcorp owned) Quarry which was very loud, however last Thursday, 2/10/08 at 14:15 a much stronger blast shook the caller's house and sent a strong unpleasant vibration right through her body. The caller is concerned that there may be more of these very strong blasts when no one is at home to record them and what damage this may be causing to her house. Can the presumed onsite monitoring undertaken at the Quarry show what size blasts are occurring and when? Secondly the caller is concerned about recent extensive land clearing on the quarry site and at a meeting with Railcorp, Council and DECC on 16/8/08 there was a comment that a full environmental impact statement had not been completed. Has the EIS been completed and is it comprehensive? The caller is seeing a lot of wildlife moving into the general area recently and assumes that the Quarry land clearing is destroying habitat. Thirdly at that meeting feedback was promised to residents however none has been forthcoming.
<u>114627</u>	341	01/Jul/2009	S. 74	MARTINS CREEK	DUNGOG	01/Jul/2009	12:50	Martins Creek Quarry,	Caller reporting blast in the quarry. Windows in the house rattled and caller felt it through her body. This was a much louder/more intense blast than usual.
<u>121910</u>	341	22/Jun/2010		MARTINS CREEK	DUNGOG	22/Jun/2010	12:55	Martins Creek Quarry- Lic 1378	Caller advised there was a loud blast today from Martins Creek Quarry @ 12:55pm that shook the windows and could hear them rattle, Complainant felt the vibrations through their body and is on a concrete slab.
<u>121912</u>	341	22/Jun/2010		MARTINS CREEK	DUNGOG	22/Jun/2010	13:00	Martins Creek Quarry	Very loud blast coming from Martins Creek Quarry which caused house to shake. They have been blasting every week. Caller would like feedback if they can blast and caller is worried about the magnitude of the blasts.
<u>123886</u>	341	28/Sep/2010		MARTINS CREEK	DUNGOG	28/Sep/2010	15:12	Martins Creek Quarry	Excessive vibrations from a blast at Martins Creek Quarry at Martins Creek. Caller said there was also noise associated with the blast but vibrations are the main issue.

<u>126395</u>	321	01/Feb/2011	MARTINS CREEK	DUNGOG	01/Feb/2011		RailCorp owned rock quarry next to Martins Creek Village	Potential breach of Native Vegetation Act: clearing of about 5 hectares of vegetation at a rock quarry at Martins Creek, possibly owned by RailCorp. Clearing has been ongoing and needs to be urgently looked at by EPRG as there is no way to know how much more clearing will be carried out. This is visible right across the valley and caller has observed the clearing from S. 74 away.
			S. 74					
<u>127171</u>	341	07/Mar/2011	MARTINS CREEK	DUNGOG	07/Mar/2011	12:40	Martins Creek Quarry	Blast about 15 minutes ago: so loud it drowned out caller's radio and she felt the vibration through her whole body. Much louder than usual.
<u>127173</u>	341	07/Mar/2011	MARTINS CREEK	DUNGOG	07/Mar/2011	12:40	Martins Creek Quarry	Blast coming from Martins Creek Quarry which caused the house to shake.

#### MCQ CCC Meeting November 2014

- There were 8 complaints received in total in October. 7 related to blasting, 4 direct to the quarry and 3 via EPA. All results were within limits for these blasts
- 1 complaint was for noise at 6.30am. Investigation showed nothing out of the ordinary happened during this time period.

#### MCQ CCC Meeting December 2014

- 3 complaints re trucking – debris on road in Port Stephens Council area, truck complaints Bolwarra and Dungog Road

#### MCQ CCC Meeting February 2015

- 1 reported incident – Daracon trucks regarding speed limit in Station Street exceeding 20km per hour
- Truck running out of fuel in Paterson The driver made an effort to roll the truck off the road to the safety of the road shoulder. However, during this the motor shut down resulting in the truck becoming immobile and blocking both lanes for a short time. Daracon immediately notified relevant authorities and attended the scene and in conjunction with the authorities to put in place temporary traffic management. To alleviate congestion at this time, Daracon ordered a halt to truck movements to and from the quarry. Daracon has written to all sub-contractors to remind them of their obligations and to try to avoid a similar situation in the future.

#### MCQ CCC Meeting April 2015

- Blasting – complaint 3/2/15 via EPA – monitor results within consent limits
- Blasting – complaint 13/2 – excessive noise & vibration - monitor results within consent limits
- Trucking – 5/2 – Grace Ave – 1 piece of ballast rock on driveway, cleaned
- Trucking – 14/2 – (see attachment 4) J McNally forwarded enquiry; Daracon response;
- Trucking – 2/3 – 2 complaints rocks on road, contacted Council, sweeper deployed; tailgate faulty – driver no longer employed
- Trucking – 5/3 – Faulty grain chute, picked material Station St, cleaned up – no further action
- Trucking – 11/3 – Oil sump – 500m small oil line, absorbent placed – no further action
- Trucking – 26/3 – Ex bin truck popped tail gate while driving; reported to council, Daracon cleaned up initial material, and driver returned to clean up remainder
- Hanson – met with Hanson and agreed to share traffic data for cumulative assessment

#### MCQ CCC Meeting May 2015 (outside hours emergency flood operations)

- Summary of complaints during emergency works
  - 9 related to trucking (out of normal hours, truck speed)
  - 1 related to quarry operation
  - 1 related to any additional water use

## MCQ CCC Meeting July 2015

6/7 - Complaint re trucks exceeding voluntary speed restrictions - Bolwarra Heights – Daracon provided response noting both were ex-bin trucks

## MCQ CCC Meeting September 2015

Reports received of trucks travelling in excess of 20km in Station Street

Action – Drivers spoken to regarding the 20km voluntary speed limit in place in Station Street:

20<sup>th</sup> August

Compliant received of truck driver driving aggressively – no certain details provided, unable to identify truck

24<sup>th</sup> August

Complaint from truck driver regarding driving behaviour of truck driver – Daracon investigated with driver no longer welcome at quarry

24<sup>th</sup> August

Complaint received truck in Station Street not having cover over trailer. Driver indicated that his cover was on. Daracon followed up and the company owner provided toolbox and written advice to drivers.

26<sup>th</sup> August

EPA indicated there was a complaint with regards to blasting impacts on house in Merchants Road. Unable to follow up as no details provided as per EPA procedure. All results were well within the limit.

## MCQ CCC Meeting October 2015

September – one complaint – truck ashing out a window, with no further details.

## MCQ CCC Meeting June 2016

18<sup>th</sup> January – truck speed in Station St

20<sup>th</sup> January – truck speed in Station Street

29<sup>th</sup> January – not receiving notification of blast

4<sup>th</sup> Feb – truck speed in Station St

23<sup>rd</sup> February – stone flicked up off road and caused damage to windscreen

17<sup>th</sup> Feb – truck speed in Station St

3<sup>rd</sup> March - truck Speed in Station St

8<sup>th</sup> April – truck too close to car at Bolwarra road works

17<sup>th</sup> June – blasting compliant

## Attachment 4 – Statutory Declaration



**Statutory Declaration**  
OATHS ACT 1900, NSW, NINTH SCHEDULE

I, [REDACTED], of [REDACTED] Paterson NSW 2421  
[name of declarant] [residence]

do hereby solemnly declare and affirm that

I attended a public meeting convened by Dungog Shire Council and Paterson Progress Association at the Paterson School of Arts hall on the 31st of July 2014. The meeting was attended by 200 to 250 local residents. The purpose of the meeting was for impacted residents to vent their concerns and communicate the impacts and experiences to both Council and the quarry operator Daracon.

I recall David Mingay who was the then Managing Director of the Daracon Group as saying in regards to the driving behaviour and condition of trucks accessing Martins Creek Quarry words to the effect that "we have no control of our subcontractors and 3rd party trucks that cart rock from the quarry"

*[the facts to be stated according to the declarant's knowledge, belief, or information, severally]*

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: PATERSON on 30th July 2021  
[place] [signature of declarant]

in the presence of an authorised witness, who states:  
I, PHILIP JOHN ELLICOTT, a J.P. 188604  
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: *[\* please cross out any text that does not apply]*

1. \*I saw the face of the person ~~OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>1</sup> for not removing the covering, and~~
2. \*I have known the person for at least 12 months ~~OR \*I have confirmed the person's identity using an identification document and the document I relied on was~~

[Signature] [signature of authorised witness]      20/07/2021 [describe identification document relied on] [date]

<sup>1</sup> The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)

## Attachment 5 – Impacted Resident’s Affidavit

**AFFIDAVIT OF [REDACTED]**  
**DATED 13/11/2015**

**COURT DETAILS**

Court Land and Environment Court of New South Wales  
Class 4  
Case number 15/40287

**TITLE OF PROCEEDINGS**

Applicant **DUNGOG SHIRE COUNCIL**  
First respondent **HUNTER INDUSTRIAL RENTAL EQUIPMENT PTY LIMITED**  
Number of respondents 3

**FILING DETAILS**

Filed for **DUNGOG SHIRE COUNCIL, applicant**  
Legal representative [REDACTED]  
**Mallik Rees Lawyers**  
Legal representative reference PCN: 4050 Ref: RM:312296  
Contact name and telephone [REDACTED]  
Contact email [REDACTED]

**AFFIDAVIT**

Name: [REDACTED]

Address: [REDACTED] Paterson

Occupation: [REDACTED]

Date: 13/11/ 2015

I affirm:

1. I believe that the information contained in this affidavit is true.
2. I purchased my house at [REDACTED] Paterson (hereinafter referred to as "my house") with my wife in January 2010 and have lived here since that time.
3. My house fronts [REDACTED] Road, where [REDACTED] Road comes into Paterson it is called [REDACTED] Street.
4. [REDACTED] Street is two lanes wide with parking allowed on each side.
5. My house, at its closest boundary, is approximately 3.9 metres from the carriageway off [REDACTED] Street on the eastern boundary.
6. I made the decision to move to Paterson for its country lifestyle and ambience.
7. When I first moved to Paterson the quarry truck movements fluctuated.
8. I remember the Martins Creek Quarry going silent sometime in 2010 which I believe it was because RailCorp had stopped production for a period of time as they had reached their yearly production limit.
9. In about April or May 2014 I noticed that the intensity of truck movements heading towards the quarry had increased dramatically.
10. I sometimes work from Newcastle and would leave for work at about 5:15am, the drive from my house to Maitland is approximately fifteen minutes and I could count in excess of 25 quarry trucks passing me heading towards the Martins Creek Quarry.
11. When I worked from home I would be woken from the vibration and noise of trucks heading towards the quarry from 5:30am.
12. During the period of April to September 2014 it was not unusual for me to get multiple phone calls from my then fiancé, who worked mostly from home during this time, sounding emotionally distressed saying words to the effect of:

*"I'm going around the bend because of the truck noise"*

[REDACTED]

[REDACTED]

Deponent

Witness

*"I can't concentrate because of the truck noise"*

*"I can't talk to people on the phone because of the truck noise".*

13. During this time both of us became very distressed and stressed.
14. The truck movements on a Saturday were generally as heavy as the truck movements during the week. I would say that there would be anywhere from thirty to forty trucks movements associated with the quarry every hour.
15. My father lived across the road from me and when I would go to visit him I would have to take extra care when crossing the road because of the amount of trucks travelling on the road.
16. In about July or August 2014 I installed a security camera at my property so that it faced the road to allow me to count the amount of truck movements per day. Exhibited before me and marked [REDACTED] is an external hard drive which shows the truck movements on 15 September 2014 and 3 November 2015.
17. On 15 September 2014 I counted a total of 339 truck movements in both directions ranging from 18 trucks in the fifteen minute period leading up to 6am to 40 truck movements between 2pm and 3pm. A schedule of truck movements and time stamp on video is annexed hereto and marked with the letter "A".
18. On 3 November 2015 I counted 415 truck movements in both directions ranging from 19 trucks in the fifteen minute period leading up to 6am to 64 truck movements between 2pm and 3pm. A schedule of truck movements and time stamp on video is annexed hereto and marked with the letter "B".
19. From my observations it is my belief that the trucks travelling North are empty trucks heading to the Martins Creek Quarry to pick up product and the trucks travelling South are trucks leaving the Martins Creek Quarry taking away the product.

[REDACTED]

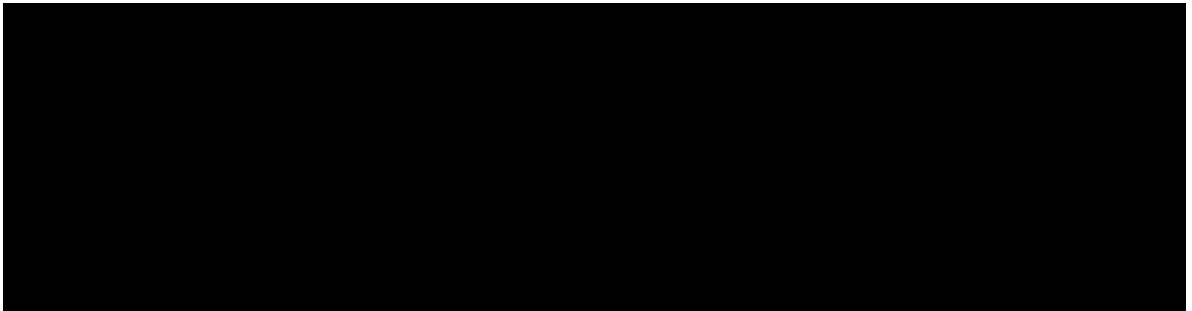
Deponent

[REDACTED]

Witness

20. When I have guests over I have to apologise in advance for the noise of the trucks and it is not uncommon to have to stop mid conversation to wait for the trucks to drive past because you cannot hear the person that you are talking with. I also apologise for the fact that they will be woken up some time from 5:30am onwards in the morning.
21. I work 12 hour days Monday to Friday and on Saturday I would like to sleep in, this is not possible because the trucks wake you up from 5:30am, the vibration of the empty trucks travelling past my house is such that I can feel the bed wobble and I can feel the vibration in my teeth.
22. I am unable to sit outside and enjoy having a coffee, eating breakfast or reading the paper because of the noise of the trucks as they travel past.

23.



24. While it is true that there are other trucks that travel along Maitland Road, I would say that one milk truck may drive along the road a day and maybe about 6 trucks carting poultry, while I can still feel some vibration from these trucks it is not to the intensity of multiple hundreds of trucks travelling to the Quarry.
25. On 31 July 2014 I attended a public meeting at Paterson School of Arts Hall, the purpose of the meeting was so people in the community could vent their concerns to Daracon. I recall David Mingay, who I know to be a Director of the First and Second Respondent, during his address to the meeting say words to the effect of:

*"We won a once in a lifetime contract to supply the Hexham Relief Rail Project. We didn't think that we would win the job but we won it."*

*"If you don't like it [the trucks and other impacts associated with the quarry] then move"*

In regards to the driving behaviour and condition of trucks accessing Martins Creek Quarry *"We have no control of our subcontractors and 3<sup>rd</sup> party trucks that cart rock from the quarry"*

26. My father passed away in January 2015 and I was gifted his house. During the April storm event Martins Creek Quarry operated 24 hours a day. The noise and vibration from the trucks was so intense over that period I relocated to my father's house. I could

Deponent

Witness

still hear the trucks but was not as intense as living at my house during that period of time.

AFFIRMED at Cessnock.

Signature of deponent

Name of witness

Address of witness

Capacity of witness

Justice of the peace / Solicitor / Barrister / Commissioner for affidavits / Notary public

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1 I saw the face of the deponent
- 2 I have confirmed the deponent's identity using the following identification document:

current driver licence

Identification document relied on (may be original or certified copy)

Signature of witness

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7

**“A”**

**This and the following 11 pages is the annexure marked “A” referred to in  
the Affidavit of [REDACTED] made this 13<sup>th</sup>  
day November 2015**

**Before me**

[REDACTED]

**Solicitor/Justice of the Peace**



Date	15/09/2014	Address				
Total North Bound	170					
Total South Bound	169					
Total Movements	339					
Maximum hourly Freq	40					
AVI File Name	Date Stamp	Time Stamp	North Bound	South Bound	Type	Hourly Sub Total
01_20140915054102.avi	15/09/2014	5:42:59	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:43:06	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:43:13	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:44:19	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:48:42	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:49:02	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:49:07	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:52:18	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:52:57	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:54:52	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:56:22	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:56:38	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:56:42	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:56:52	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:56:57	1		truck and dog	
01_20140915054102.avi	15/09/2014	5:57:25	1		truck and dog	
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01_20140915054102.avi	15/09/2014	5:57:53	1		truck and dog	18
01_20140915055959.avi	15/09/2014	6:03:22	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:06:46	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:07:05	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:11:04	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:11:12	1		cement bulker	
01_20140915055959.avi	15/09/2014	6:13:58	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:14:01	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:14:09	1		truck and dog	

01_20140915055959.avi	15/09/2014	6:16:56	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:17:33	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:18:39		1	truck and dog	
01_20140915055959.avi	15/09/2014	6:19:29		1	truck and dog	
01_20140915055959.avi	15/09/2014	6:21:18	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:21:50	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:22:34	1		truck and dog	
01_20140915055959.avi	15/09/2014	6:23:14		1	truck and dog	
01_20140915055959.avi	15/09/2014	6:25:22	1		truck and dog	
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01_20140915135959.avi	15/09/2014	14:45:14	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:47:20	1		truck and dog	

01_20140915135959.avi	15/09/2014	14:48:12	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:50:33	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:50:36	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:54:00	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:54:31	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:54:45	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:56:01	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:56:14		1	truck and dog	
01_20140915135959.avi	15/09/2014	14:56:18		1	truck and dog	
01_20140915135959.avi	15/09/2014	14:56:21	1		truck and dog	
01_20140915135959.avi	15/09/2014	14:56:30		1	truck and dog	
01_20140915135959.avi	15/09/2014	14:59:45		1	truck and dog	40
01_20140915145959.avi	15/09/2014	15:02:04	1		truck and dog	
01_20140915145959.avi	15/09/2014	15:06:03		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:07:52	1		truck and dog	
01_20140915145959.avi	15/09/2014	15:13:37		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:14:04		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:14:48		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:14:48		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:15:32	1		truck and dog	
01_20140915145959.avi	15/09/2014	15:18:18	1		truck and dog	
01_20140915145959.avi	15/09/2014	15:18:47		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:20:02		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:23:57		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:24:08		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:26:41	1		truck and dog	
01_20140915145959.avi	15/09/2014	15:28:05		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:30:12		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:32:40		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:33:53		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:35:35		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:38:14		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:40:45		1	truck and dog	

01_20140915145959.avi	15/09/2014	15:41:01		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:42:57		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:43:47		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:45:32		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:45:59		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:47:40		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:48:25		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:50:44		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:51:32		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:51:40		1	truck and dog	
01_20140915145959.avi	15/09/2014	15:51:51	1		truck and dog	32
01_20140915155959.avi	15/09/2014	16:02:17		1	truck and dog	
01_20140915155959.avi	15/09/2014	16:07:23	1		truck and dog	
01_20140915155959.avi	15/09/2014	16:11:48	1		truck and dog	
01_20140915162517.avi	15/09/2014	16:29:39		1	truck and dog	
01_20140915162517.avi	15/09/2014	16:51:32	1		truck and dog	
01_20140915175959.avi	15/09/2014	17:02:24		1	truck and dog	6
<b>Total</b>			170	169		

**“B”**

**This and the following 13 pages is the annexure marked “B” referred to in  
the Affidavit of [REDACTED] made this 13<sup>th</sup>  
day November 2015**

**Before me**

[REDACTED]

**Solicitor/Justice of the Peace**

Date	3/11/2015	Address				
Total North Bound	200					
Total South Bound	215					
Total Movements	415					
Maximum hourly Freq	64					
AVI File Name	Date Stamp	Time Stamp	North Bound	South Bound	Type	Hourly Sub total
01_20151103045959.avi	3/11/2015	5:46:24	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:46:31	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:47:03	1		cement bulker	
01_20151103045959.avi	3/11/2015	5:49:01	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:12	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:20	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:29	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:33	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:41	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:48	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:49:53	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:50:07	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:50:12	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:50:15	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:50:27	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:54:38	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:57:14	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:57:38	1		truck and dog	
01_20151103045959.avi	3/11/2015	5:57:43	1		truck and dog	19
01_20151103055959.avi	3/11/2015	6:00:11	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:00:14	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:02:08	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:04:21	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:04:30	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:08:15	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:09:13	1		truck and dog	

01_20151103055959.avi	3/11/2015	6:11:52	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:13:44	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:16:43	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:17:02	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:17:21	1		cement bulker	
01_20151103055959.avi	3/11/2015	6:17:24	1		cement bulker	
01_20151103055959.avi	3/11/2015	6:17:50	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:18:09	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:19:44	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:21:13	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:22:50		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:25:05		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:27:05		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:27:40		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:29:20	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:30:37		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:32:19		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:34:13		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:37:11		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:38:12		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:39:41		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:40:55		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:42:44		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:44:40		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:46:09		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:46:17	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:48:36		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:48:41		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:53:07	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:54:35		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:56:59	1		truck and dog	
01_20151103055959.avi	3/11/2015	6:59:15		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:59:23		1	truck and dog	

01_20151103055959.avi	3/11/2015	6:59:33		1	truck and dog	
01_20151103055959.avi	3/11/2015	6:59:36		1	truck and dog	42
01_20151103065959.avi	3/11/2015	7:01:38		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:02:40		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:04:19		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:05:05		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:06:54		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:07:42	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:11:36		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:12:56	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:13:24		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:13:59		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:17:27		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:17:34		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:19:08		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:19:10	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:19:16	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:20:00		1	cement bulker	
01_20151103065959.avi	3/11/2015	7:21:14	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:24:00	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:24:54		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:25:15		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:27:15		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:28:00		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:28:51		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:29:02		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:31:13		1	cement bulker	
01_20151103065959.avi	3/11/2015	7:31:29		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:31:45		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:34:33		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:34:44		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:39:28		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:40:09		1	truck and dog	

01_20151103065959.avi	3/11/2015	7:40:14		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:41:20		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:43:38		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:43:55	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:45:05	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:45:09	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:45:12	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:46:06		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:46:45		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:47:07	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:47:39		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:49:29		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:51:33		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:53:44	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:55:32		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:57:41		1	truck and dog	
01_20151103065959.avi	3/11/2015	7:59:10	1		truck and dog	
01_20151103065959.avi	3/11/2015	7:59:40		1	truck and dog	49
01_20151103080001.avi	3/11/2015	8:01:38		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:02:56	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:12:09		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:12:33		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:13:50	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:17:26	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:18:03		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:19:08	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:19:55	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:20:02		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:20:04		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:20:17	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:20:33	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:20:59		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:22:31		1	truck and dog	



01_20151103080001.avi	3/11/2015	8:23:44	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:28:04		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:30:09	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:32:20		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:33:14	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:37:45	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:37:55	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:38:28	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:43:12		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:43:19		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:47:32		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:50:34		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:51:16	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:51:27		1	truck and dog	
01_20151103080001.avi	3/11/2015	8:53:12	1		truck and dog	
01_20151103080001.avi	3/11/2015	8:58:10		1	truck and dog	31
01_20151103085959.avi	3/11/2015	9:00:07		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:02:11		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:06:14	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:12:45		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:13:12		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:13:45		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:13:59		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:14:52		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:15:18	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:15:20	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:17:07	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:17:14	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:18:40	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:22:10		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:23:53	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:23:59	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:24:07	1		truck and dog	

01_20151103085959.avi	3/11/2015	9:24:09	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:24:44	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:24:48		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:27:08		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:28:45		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:29:14	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:29:16	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:35:47	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:38:08		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:41:00	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:41:04	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:41:09	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:41:17	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:41:25	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:41:36	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:42:27	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:44:53	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:45:10	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:53:00		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:54:50		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:55:00		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:55:39	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:56:55		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:57:27	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:59:30		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:59:33		1	truck and dog	
01_20151103085959.avi	3/11/2015	9:59:35	1		truck and dog	
01_20151103085959.avi	3/11/2015	9:59:30	1		truck and dog	45
01_20151103100000.avi	3/11/2015	10:00:26		1	truck and dog	
01_20151103100000.avi	3/11/2015	10:01:09	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:01:20	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:01:28	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:02:47	1		truck and dog	

01_20151103100000.avi	3/11/2015	10:02:52		1	truck and dog	
01_20151103100000.avi	3/11/2015	10:04:59	1		truck and dog	
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01_20151103100000.avi	3/11/2015	10:06:50	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:07:06	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:08:07		1	truck and dog	
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01_20151103100000.avi	3/11/2015	10:21:04	1		truck and dog	
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01_20151103100000.avi	3/11/2015	10:26:59	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:27:09		1	truck and dog	
01_20151103100000.avi	3/11/2015	10:28:30	1		truck and dog	
01_20151103100000.avi	3/11/2015	10:29:58		1	truck and dog	
01_20151103100000.avi	3/11/2015	10:31:09	1		cement bulker	
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01_20151103105959.avi	3/11/2015	11:08:24			1 truck and dog	

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01_20151103120205.avi	3/11/2015	12:24:11		1	truck and dog	
01_20151103120205.avi	3/11/2015	12:25:22	1		truck and dog	
01_20151103120205.avi	3/11/2015	12:26:57	1		truck and dog	
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01_20151103120205.avi	3/11/2015	12:36:44	1		truck and dog	
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01_20151103120205.avi	3/11/2015	12:39:58	1		truck and dog	
01_20151103120205.avi	3/11/2015	12:43:38	1		truck and dog	

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01_20151103125959.avi	3/11/2015	13:30:00		1	truck and dog	

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01_20151103125959.avi	3/11/2015	13:37:57		1	truck and dog	
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01_20151103125959.avi	3/11/2015	13:46:29	1		truck and dog	
01_20151103125959.avi	3/11/2015	13:48:06		1	truck and dog	
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01_20151103125959.avi	3/11/2015	13:48:48	1		truck and dog	
01_20151103125959.avi	3/11/2015	13:49:07	1		truck and dog	
01_20151103125959.avi	3/11/2015	13:51:28	1		truck and dog	
01_20151103125959.avi	3/11/2015	13:55:10	1		truck and dog	
01_20151103125959.avi	3/11/2015	13:56:40	1		truck and dog	39
01_20151103140000.avi	3/11/2015	14:01:31	1		truck and dog	
01_20151103140000.avi	3/11/2015	14:04:43		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:06:16		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:08:55		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:15:57		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:16:05		1	truck and dog	
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01_20151103140000.avi	3/11/2015	14:23:06	1		truck and dog	
01_20151103140000.avi	3/11/2015	14:24:29		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:24:33		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:27:34		1	truck and dog	
01_20151103140000.avi	3/11/2015	14:29:00		1	truck and dog	



01_20151103140000.avi	3/11/2015	14:29:21	1		truck and dog	
01_20151103140000.avi	3/11/2015	14:31:13	1		truck and dog	
01_20151103140000.avi	3/11/2015	14:32:30		1	truck and dog	
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01_20151103140000.avi	3/11/2015	14:55:00	1		cement bulker	24
01_20151103145959.avi	3/11/2015	15:01:08		1	truck and dog	
01_20151103145959.avi	3/11/2015	15:05:01		1	truck and dog	
01_20151103145959.avi	3/11/2015	15:07:03		1	truck and dog	
01_20151103145959.avi	3/11/2015	15:12:30	1		cement bulker	
01_20151103145959.avi	3/11/2015	15:16:27		1	truck and dog	
01_20151103145959.avi	3/11/2015	15:25:52		1	truck and dog	
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01_20151103145959.avi	3/11/2015	15:52:52	1		truck and dog	9
01_20151103160000.avi	3/11/2015	16:00:52		1	cement bulker	
01_20151103160000.avi	3/11/2015	16:17:15	1		cement bulker	
01_20151103160000.avi	3/11/2015	16:19:20		1	truck and dog	
01_20151103160000.avi	3/11/2015	16:27:07	1		truck and dog	
01_20151103160000.avi	3/11/2015	16:32:15		1	cement bulker	
01_20151103160000.avi	3/11/2015	16:50:42	1		truck and dog	
01_20151103160000.avi	3/11/2015	16:52:26		1	cement bulker	7
01_20151103170000.avi	3/11/2015	17:32:52		1	cement bulker	1
<b>Total</b>			200	215		

## Attachment 6 – Air Quality Impacts

Dust emissions from Lot 1 processing equipment



Dust emissions from Lot 5/6 mobile crushing equipment, dust plumes moving South East over Martins Creek Village



## Attachment 7 – Noise Impact Assessment Peer Review

30 July 2021  
Ref: J0232-02-R1

Martins Creek Quarry Action Group  
P.O. Box 128  
PATERSON NSW 2421

**Attn: Mr James Ashton**

Dear James,

**RE: ACOUSTIC REVIEW OF THE MARTINS CREEK QUARRY EXTENSION PROJECT  
AMENDED DEVELOPMENT APPLICATION AND RESPONSE TO SUBMISSIONS**

## **1. INTRODUCTION**

Martins Creek Quarry has been operated by Buttai Gravel Pty Ltd which is part of the Daracon Group (Daracon) under a long term lease since 2012. Daracon seeks approval for a proposed expansion of the quarry. An Environmental Impact Statement (EIS) for the Original Project was prepared by Monteith & Powys Pty Ltd and various sub-consultants in September 2016. Significant issues in relation to impacts on local communities and the level of assessment were raised by the public and by various government agencies.

An Amended Development Application (ADA) and Response to Submissions (RTS) was prepared by Umwelt (Australia) Pty Ltd (Umwelt) in May 2021, including updated technical studies and additional stakeholder engagement. The Revised Project described in the combined ADA and RTS is intended by Daracon and Umwelt to reduce environmental and social impacts compared to the Original Project. The ADA and RTS was placed on public exhibition in June and July 2021.

This report describes results and conclusions arising from a review of the noise section of the ADA and RTS, with the principal objective of the review to determine if the ADA and RTS contain a comprehensive and accurate assessment of noise impacts and to highlight any errors or deficiencies.

The review was commissioned by the Martins Creek Quarry Action Group (MCQAG) which anticipates lodging an objection to the Revised Project. However, this report presents results from an unbiased review of the ADA and RTS as the author is not personally impacted by recent and current quarry operations, does not anticipate being impacted by the Revised Project and does not have any relatives or close friends that are likely to be impacted by the Revised Project.

## **2. NOISE IMPACT ASSESSMENT REVIEW**

The ADA and RTS includes a Noise Impact Assessment (NIA) report in Appendix D, prepared by Umwelt. A detailed review of this report indicates it is generally well presented and comprehensive, however contains a number of significant errors and omissions that require further work. Comments and recommendations are included below, generally in the order in which each issue is encountered in the NIA.

### 2.1.1 Measured Background Noise Levels (NIA Section 3.1.4)

The NIA describes results from a survey to determine background noise levels at four locations, which appear representative of receptors. Monitoring location A (ML A) at 9 Station Street is relatively close to the existing quarry and, according to the results presented for attended monitoring location ML 3 at the nearby 3 Station Street, quarry noise is audible and measurable in this area at the time of monitoring. The NIA is silent on whether noise monitoring results from ML A have been corrected for existing quarry noise as required by the Noise Policy for Industry (NPI).

This potential issue may result in a maximum change in the project intrusiveness noise levels in Table 3.4 of the NIA by up to 1 dBA during the day and evening in Noise Assessment Group (NAG) 1/2. Any changes to the NIA's results and conclusions as a result of this comment are acknowledged to be minor.

## 2.1 Existing Quarry Noise Levels (NIA Section 3.1.5)

The NIA considers existing quarry noise levels when determining project noise trigger levels for closest receivers to the processing plant, which is appropriate in principle when considering noise from an existing industry.

According to Section 2.7 of the NPI, the “proponent/licensee is required to demonstrate that all feasible and reasonable noise mitigation measures are being applied before the industrial interface criteria is adopted”. This requires, at minimum, the proposed noise mitigation measures discussed in Section 4.2 of the NIA to be included in the assessment of existing noise levels in Appendix 2 of the NIA. NPI Fact Sheet E, particularly E5 which considers a modification to an existing industry, assumes all feasible mitigation measures are already applied to the industrial development via a pollution reduction program when determining existing noise levels.

Existing noise levels and PNTL for Year 2 have only been determined in detail (Table A2.1 and Table 5.1) with the rail loading facility operating. However, the rail loading facility would operate for a relatively small percentage of the time, therefore the reported existing noise levels and PNTL significantly overstate existing noise levels at closest receivers.

Equivalent existing noise levels and PNTL for Year 2 are required in the absence of the rail loading facility to represent operations occurring for most of the time, including mitigation measures, to present a more representative assessment of Year 2 noise levels.

Table 5.1 omits predicted noise levels that meet the adopted PNTL, which may be required by regulators to determine appropriate consent conditions. However, these are presented in Table A6.1 in Appendix 6.

*RECOMMENDATION: The NIA should report existing noise levels without the rail loading facility operating in Table A2.1 and derived PNTL in Table 5.1, including all feasible noise mitigation measures as required by NPI Section 2.7. This will provide a more representative comparison of PNTL and predicted noise levels for the transitional period represented by Year 2, rather than reporting and comparing the high reported noise levels during train loading that only occur a relatively small percentage of the time.*

## 2.2 Noise Control Measures (NIA Section 4.2)

The NIA considers a number of noise control measures including equipment enclosures, walls, bunds, fences, replacement of noisy equipment and management measures. Sufficient details are provided for the majority of noise mitigation measures, including the noise barriers shown in Figure 4.1 and accompanying description of each barrier and enclosure. However, sufficient detail is not provided for many control measures to enable later confirmation that appropriate measures have been implemented, for example:

- Noise attenuation of the primary surge bin: no details are provided regarding method, materials and extent of any barriers or enclosure for this source;

- Cladding of the secondary screen and crusher building: no materials or minimum acoustic performance of the cladding is specified;
- Replacement of the tertiary crusher and surge bin: No limiting sound power levels are specified in this section, however it may be reasonable to assume the sound power levels in Table 4.1 (109 and 106 dBA and 116 and 108 dB, respectively) can be considered limiting sound power levels for these two sources;
- Use of three smaller quieter trucks in the West Pit: These are assumed to be Komatsu HD405 units listed in Table 4.1. Sound power levels for HD405s are listed as 107-109 dBA and 113-114 dB which are unusually low for off-road haul trucks. Evidence that such low sound power levels are possible and achievable, for new trucks and over an operating life of some years, is required;
- Optimisation of pit geometry to place sources on lower benches during adverse weather conditions is proposed and has perhaps been included in the noise model (see following comment and recommendation for Section 4.3.1.1). However, the weather assessment summarised in Table A5.6 in Appendix A5 indicates wind conditions occur for approximately 61% of the time during summer days, which would limit operations to low benches for a significant percentage of the time and may result in this mitigation strategy proving to be impractical, at least in summer. It may be appropriate for further discussion of this issue in the NIA considering the potential for significant disruption to ‘normal’ operations in summer; and
- Additional measures such as upgraded exhaust systems, stockpile orientation, reversing beepers, etc: More specific details are required for many of these measures, such as the minimum noise reduction (or maximum exhaust outlet sound power) assumed for exhaust silencers and maximum sound power level of reverse alarms, to permit appropriate consent conditions to be developed and subsequent compliance assessments to be completed.

*RECOMMENDATION: The NIA should provide more complete details of proposed mitigation measures, given the importance of these measures on the report’s conclusions, to permit appropriate consent conditions to be developed and later confirmation that all required noise reduction measures have been correctly implemented.*

### **2.3 Operational Noise Model, Stage 1 (NIA Section 4.3.1.1 and Appendix 4)**

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 1, Year 2. However, many details are inconsistent which prevents a correct review of the noise model including comparison with proposed noise mitigation measures. Specifically:

- The majority of sources in Figure A4.1 in Appendix 4 (for example the 201-203, 500-559, 1300-1309, 2300-2308, 3300-3310, 5300-5308 ranges) are not mentioned in Table A4.1. Conversely, the majority of source numbers listed in Table A4.1 are not shown in Figure A4.1;
- Haul Route 1 (sources 1300-1310) is shown in Figure A4.1 in the south-western corner of the West Pit and sources 531 and 540 are shown in the western corners of the pit, despite the description and Figure 4.2 indicating Stage 1 operations are confined to the north-eastern section of the pit; and
- In Table A4.1, sources 1900-1910 operate under calm weather conditions while sources 5900-5908 operate under adverse (wind) conditions. Presumably Haul Routes 3 (3300-3310) and 4 (5300-5308) in Figure A4.1 should correspond to these sources despite the incorrect numbering, indicating operations on high benches under calm conditions and lower elevation benches under wind conditions. This is broadly consistent with the proposed mitigation measures listed in Section 4.2, however is well outside the limited operating area of the West Pit shown in Figure 4.2.

### **2.4 Operational Noise Model, Stage 2 (NIA Section 4.3.1.2 and Appendix 4)**

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 2, Year 6. However, detailed inspection of the noise model details in Appendix 4 indicates potentially

misleading information has been presented and the noise model represents the best possible case rather than a typical or reasonable worst case. Specifically:

- Figure 4.3 indicates quarry plant are proposed to operate in much of the West Pit, except for a small rehabilitated area in the approximate centre and in the southern section of the pit. Figure A4.2 in Appendix 4 appears at first glance to indicate modelled haul routes lead to the north-east, north and south-west sections of the pit (haul routes 4, 3 and 1, respectively), giving the impression that the model considers plant operating in all reasonable areas in Stage 2. However, Table A4.2 indicates haul routes 4 (sources 5900-5908) and 3 (sources 3900-3910) are excluded from the Stage 2 model, leaving only haul route 1 (sources 1900-1910) under wind conditions and haul route 2 (sources 2900-2908) under calm conditions included in the model. Haul route 1 runs along the toe of the southern pit wall, acoustically shielded from receivers to the south, while haul route 2 just barely enters the south-eastern corner of the West Pit and would therefore cover very little product. Figure A4.2 is therefore very misleading and must be corrected to only include sources that are actually in the Stage 2 noise model. Further, the Stage 2 noise model must include a more representative range of equipment operating locations within the West Pit;
- Table A4.2 includes two locomotive sources (823, 824) not operating, and two new spur locomotive sources (855, 856) operating under all except a north-westerly wind scenario. Figure A4.2 shows all four locomotive sources, despite two not operating, which is misleading. Section 4.2 does not mention the new rail spur is not permitted or assumed to operate under north-westerly wind conditions as a noise reduction strategy, therefore the omission of these sources from this noise model scenario has not been explained;
- Figure A4.2 indicates new access road sources (8141-8155) distributed along the access road, with each of these 15 sources allocated an equal sound power level of 101.2 LAeq,15min for a total sound power of 113 dBA. This is 3 dBA higher than the listed sound power level of 110 dBA for a sales truck in Table 4.1, which is admittedly conservative. However, Figure A4.2 indicates the access road sources are bunched towards the eastern end of the road, with only 6 of the 15 sources on the new section of road and the remaining 9 sources in more shielded and remote locations within the quarry. An uneven distribution of sources may be partly justified considering different travel speeds along the route, however no such justification is included in the report and this modelling strategy omits additional noise from trucks accelerating and decelerating at the Dungog Road intersection; and
- The sand wash plant (source 831) is shown in the north-western corner of the West Pit in Figure A4.2, however in Table A4.2 is shown as not operating. The sand wash plant is mentioned in Section 2.5.1 of the main ADA report as continuing operation in the west pit. No justification is provided for omitting potentially significant sources such as the sand wash plant, and associated mobile plant movements to and from the sand wash plant, from the Stage 2 noise model.

## 2.5 Operational Noise Model, Stage 3 (NIA Section 4.3.1.3 and Appendix 4)

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 3, Year 10. A number of inconsistencies and apparent errors exist in the reported noise model input data. For example, Table A4.3 indicates west pit haul truck sources 2900-2908 and 6900-6908 have been modelled under calm and east wind conditions, respectively, however these sources cannot be found in Figure A4.3. This omission prevents a review of the noise model to confirm it adequately represents the proposed operations.

Note 2 above Table A6.5 in Appendix 6 mentions a pre-strip bulldozer in Year 10, however this machine is not shown in the source location figure or table. Section 5.1.2 of the NIA also mentions this machine, however it is noted to be required for an average of 3 weeks per year for pre-stripping, rather than on an ongoing basis.

The Stage 3 noise model, as for other stages, includes only a loader in the pit to load trucks with no machines to obtain previously blasted rock ready to load. As a minimum the quarry is expected to require a rock drill (mentioned in the tables but excluded from the model) and most likely an excavator or dozer to prepare the

blasted material for picking up with a loader. Section 5.1.2 (on page 63) mentions an excavator accessing the resource following pre-stripping. It is therefore apparent that an excavator is required to be included in the noise model in each stage and in Table 4.1.

## **2.6 Operational Noise Model, Stage 4 (NIA Section 4.3.1.4 and Appendix 4)**

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 4, Year 15. However, detailed inspection of the noise model details in Appendix 4 indicates potentially misleading information has been presented and the noise model represents the best possible case to many receivers rather than a typical or reasonable worst case.

Figure 4.5 indicates quarry plant are proposed to operate in much of the West Pit, except for small rehabilitated areas. Figure A4.4 in Appendix 4 appears at first glance to indicate modelled haul routes lead to all corners of the pit, giving the impression that the model considers plant operating in all reasonable areas in Stage 4. However, Table A4.4 indicates haul route 1 (sources 1900-1910) is operating under south wind and north-west wind conditions, haul route 2 (sources 2900-2908) is operating under calm conditions and haul route 6 (6900-6908) under east wind conditions. These routes are all in the southern quarter of the pit, with no sources modelled in the northern three-quarters of the pit. This may correctly represent a brief operating period but it cannot be considered representative of the entire Stage 4 period including Years 11 to 15, particularly considering the difference in bench elevation in the northern half of the West Pit between Years 10 and 15 indicates significant quarrying in the northern area in Stage 4. A wider and more representative range of equipment operating locations is required to be assessed in Stage 4.

## **2.7 Operational Noise Model, Stage 5 (NIA Section 4.3.1.5 and Appendix 4)**

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 5, Year 20. However, detailed inspection of the noise model details in Appendix 4 indicates potentially misleading information has been presented and the noise model represents the best possible case to many receivers rather than a typical or reasonable worst case. Specifically:

- Figure 4.6 indicates quarry plant are proposed to operate in much of the West Pit, except for small rehabilitated areas. Figure A4.5 in Appendix 4 appears at first glance to indicate modelled haul routes lead to all corners of the pit, giving the impression that the model considers plant operating in all reasonable areas in Stage 4. However, Table A4.5 indicates haul route 1 (sources 1900-1910) is operating under south wind and north-west wind conditions, haul route 2 (sources 2900-2908) is operating under calm conditions and haul route 6 (6900-6908) under east wind conditions, identical to Stage 4. These routes are all in the southern quarter of the pit, with no sources modelled in the northern three-quarters of the pit;
- Haul Route 6 appears identical in Figures A4.4 and A4.5, for Stages 4 and 5. In addition, the listed MGA coordinates and elevations for sources 6900-6908 in Tables A4.4 and A4.5 are identical, despite five years of quarrying between the two stage plans. Either the quarry floor must significantly reduce elevation in this 5 year period or noise sources must be modelled in other parts of the pit, or more realistically both. This comparison indicates the data presented in Tables A4.4 and A4.5, and by implication all similar tables, is unreliable and must be corrected. It also indicates the noise model does not adequately represent each assessed stage.

## **2.8 Operational Noise Model, Stage 6 (NIA Section 4.3.1.6 and Appendix 4)**

The NIA includes a description and figures showing some details of the noise model constructed to represent Stage 6, Year 25, which is the final year of operation for the project. No noise model was constructed for Stage 6 despite 5 years of quarrying operations from Years 20 to 25. This may be appropriate given the West Pit is not expanding laterally in this period and, if anything, would therefore be deeper and presumably quieter than in Stage 5, however omission of this stage from the noise model is not justified in the NIA.



## 2.9 Operational Noise Model, Stages 1 to 6 (NIA Section 4.3.1 and Appendix 4)

A number of recommendations arising from the above analysis of Stages 1 to 6 have been consolidated in this section, as in general the recommendations apply to all stages.

*RECOMMENDATION: The NIA should provide correct source location figures and tables for all stages, ensuring the figures are consistent with the tables and reflect the actual noise model input data used to calculate predicted noise levels. Sources not actually included in the noise model in each stage must be removed from each figure and table to avoid misleading regulators and the public regarding the number of sources and spread of operating areas considered in each stage. Sources that only operate for specific sets of weather conditions or other limited conditions must be clearly documented and justified, ideally in the figures as well as the tables to avoid including misleading figures in the NIA.*

*The NIA must include all significant sources in the noise model, in all assessed stages, to correctly calculate predicted noise levels from the project. Omitted sources, including but not limited to the rock drill, an excavator or dozer required for winning product, the sand washing plant and associated mobile plant movements, must be included or their absence must be clearly documented and justified in the NIA.*

*Sources distributed along haul routes must be appropriately distributed considering variations in source speed and elevation changes. Apparently inappropriate source distribution along a route must be justified.*

*All proposed operating areas must be represented in the noise model, although not necessarily in each stage. If, for example, the northern section of a pit is represented in one stage and the southern section of the same pit in another stage, this choice must be discussed and justified considering the likely effect on calculated received noise levels to receivers in all directions from the pit.*

*Pit operating areas reflected in the noise model must be consistent with the operating areas shown in Figures 4.2 to 4.7 and in the main ADA and other (non-acoustic) technical reports for each stage.*

## 2.10 Modelled Plant and Equipment (NIA Section 4.3.2)

Table 4.1 presents sound power levels included in the noise model. The majority of the listed sound power levels appear reasonable, however some appear unusually and optimistically low. Specifically:

- The tertiary crusher sound power level of 109 dBA appears low, however it is acknowledged that this is a proposed new, low noise unit. It may be appropriate to include evidence for the low adopted sound power level, such as manufacturer's noise measurement data or details of noise measurement results at various distances from the machine to justify this low value;
- The primary crusher and hopper sound power level of 112 dBA is 10 dBA lower than the unenclosed east side of the secondary crusher and primary screen, which appears unlikely and requires further information and justification; and
- Haul truck (Komatsu HD405) sound power levels of 107-109 dBA are lower than a standard road truck (listed as 112 dBA in the table), which is unlikely to be correct with or without upgraded exhaust silencers. Modelled sound power levels for the haul trucks must be corrected or clearly justified.

*RECOMMENDATION: Include representative and achievable equipment sound power levels in the noise model or justify any levels that are lower than standard sources of each type. Ensure the NIA includes recommendations regarding modifications, maintenance or other measures to achieve and maintain the low adopted sound power levels for the life of the project for each low-noise source.*

*The NIA must consider and discuss all feasible and reasonable mitigation measures, including justification for measures considered but not included. This is required by the NPI due to the predicted exceedances of noise criteria at some receivers presented in later sections of the report.*

## **2.11 Construction Noise Model (NIA Section 4.4)**

Table 4.3 presents sound power levels (source noise levels) included in the construction noise model while Table A6.9 in Appendix 6 presents predicted construction noise levels. It is acknowledged that receivers are generally less sensitive to construction noise due to the relatively short-term nature of such noise. However, a detailed description of the construction noise model, including a figure modelled showing source locations, could not be found in the NIA to permit a detailed review of the construction noise model.

*RECOMMENDATION: Include sufficient details of the construction noise model, including a source location figure and indicating of the duration of each construction activity, to enable a review of the construction noise model.*

## **2.12 Operational Noise for Year 2 (NIA Section 5.1.1)**

Table 5.1 of the NIA presents predicted exceedances of relevant PNTLs at receivers with and without rail loading in Year 2, with noise levels at all receivers listed in Table A6.1 in Appendix 6.

Predicted noise levels exceed 50 LAeq,15min at the three closest receivers on Station Street and are in the range 45 to 50 LAeq,15min at the majority of Station Street, Grace Avenue and Cory Street receivers. Predicted noise levels at the worst affected receivers would normally be considered unacceptable for a greenfield development when compared to measured background noise levels in the absence of the quarry, however the quarry is acknowledged to be an existing development with more limited options for noise control. Noise levels in later years, including various noise control measures discussed in Section 4.2, are lower as shown in Table A6.3.

All predicted noise levels should be revised and reassessed when the errors and omissions in the noise model discussed in the previous sections of this Review are corrected. Whether the corrected noise levels in Year 2 are acceptable, for a period of up to 4 years as noise control measures are progressively implemented, is a matter for the affected residents and regulators to consider.

*RECOMMENDATION: Reassess noise levels in Year 2 when the errors and omissions in the noise model, as recommended previously, are corrected.*

## **2.13 Operational Noise for Years 6, 10, 15 and 20 (NIA Section 5.1.2)**

*RECOMMENDATION: Reassess noise levels in Years 6, 10, 15 and 20 when the errors and omissions in the noise model, as discussed previously in this Review, are corrected for each assessed year.*

## **2.14 Evening Shoulder Period (NIA Section 5.2)**

Table 5.4 of the NIA summarises the predicted exceedances of the PNTLs due to loading trucks during the period 6 pm to 7 pm for next-day dispatch. Noise levels in the range 41 to 44 LAeq,15min are predicted at the five closest Station Street receivers, during Year 2 before the proposed access road direct to Dungog Road is constructed. Levels in the range 38 to 42 LAeq,15min are predicted at the four closest Dungog Road receivers after the access road is constructed, due primarily to truck movements on the access road.

No discussion of feasible and reasonable noise mitigation measures is included in this section of the NIA, as is required by the NPI, particularly considering truck movements on the proposed access road are not part of existing quarry operations and are therefore expected to meet relevant PNTL or justify any residual exceedances.

*RECOMMENDATION: Include an assessment of all feasible and reasonable noise mitigation measures for evening shoulder period truck movements on the proposed access road, acknowledging this component of the project is not part of existing quarry operations, to reduce or justify the predicted noise levels and residual exceedances of PNTLs.*

## **2.15 Evening and Night Predicted Noise Levels (NIA Section 5.3.1, Section 7 and Table 7.3)**

Table 5.5 of the NIA summarises the predicted exceedances of the PNTLs due to loading trains during the evening and night on the proposed extended rail spur. Noise levels of up to 44 LAeq,15min at the closest Station Street receiver are predicted at night which is 9 dBA above the PNTL of 35 LAeq,15min at this receiver. The NIA states the predicted impacts would be confirmed after the rail spur is constructed by measuring noise levels from train loading and additional noise mitigation measures would be considered if measured noise levels are higher than predicted. However, this approach is not likely to be acceptable for the following reasons:

- The extended rail spur is not a component of the existing quarry and cannot be assessed to the alternative (higher) PNTLs applied to existing industrial developments;
- The predicted exceedance of up to 9 dBA above the PNTL is therefore considered very significant for a new component of the project;
- The NIA has not demonstrated that all feasible and reasonable mitigation measures for the rail spur and associated train loading have been considered; and
- The noise model is unlikely to overstate predicted noise levels by 9 dBA, therefore noise from train loading at night is unlikely to meet the PNTLs at all residences. Additional noise control options are likely to be more limited after construction of the extended spur

Additional noise control options therefore must be considered in the NIA, not delayed until after construction of the extended rail spur.

*RECOMMENDATION: Consider all feasible and reasonable mitigation measures for the proposed extended rail spur and associated train loading activities in the NIA and justify any remaining exceedances of the PNTLs, rather than delay this assessment until after construction of the rail spur when more limited noise control options will be available.*

## **2.16 Train Passby Noise (NIA Section 5.5)**

Chart 5.1 presents measured noise levels at 3 Station Street due to a train and wagons entering the existing rail spur. Table 5.7 of the NIA indicates train noise would not exceed relevant noise criteria during the day and is unlikely to exceed the evening noise criteria, however is expected to exceed the recommended acceptable noise levels during the night at all Station Street receivers.

The NIA does not propose mitigation measures that appear to be practical and cost effective, for example a fence or wall along the southern side of the rail spur directly opposite Station Street receivers.

*RECOMMENDATION: Consider and assess noise mitigation measures, at least including a wall or fence along the southern side of the rail spur opposite Station Street receivers, to reduce train passby noise from the rail spur to these receivers.*

## **4. VIBRATION**

Ground vibration from construction activities and heavy vehicles has not been considered in the ADA and RTS, or in the noise or blasting technical reports. While these issues are unlikely to be significant for this project, it may be appropriate to include a brief assessment of each issue in the NIA. A brief review indicates the greatest potential for vibration impacts may be due to any rock breaking required to construct the proposed access road, which has not been considered in the NIA.

## 5. CONCLUSION

This acoustic review of the ADA and RTS indicates a number of errors or omissions in the software-based noise model used to calculate predicted noise levels reported in the NIA. The identified issues with the noise model, including unusually low sound power levels for a few sources, significant areas of the project site not represented in the model and significant sources omitted, are likely to affect predicted noise levels at a significant percentage of assessed receivers. The model must therefore be revised and predicted noise levels recalculated to present a comprehensive and correct assessment report.

In addition, the NIA has omitted an assessment of feasible and reasonable mitigation measures for a number of noise sources as detailed in various recommendations throughout this review. The result of these omissions in the NIA, if not corrected, is likely to be unnecessarily high environmental noise levels at some of the worst affected receivers.

As stated in the Original Project review, it is clear that some aspects of the Revised Project have the potential to provide environmental benefits to some residents, particularly those on Station Street Martins Creek who are currently exposed to very significant noise from the processing plant, truck and train movements. However, the potential benefits for these residents would be offset by the proposal to increase annual production and load a greater number of trains at any time of the day or night.

Receivers located generally west and north of the quarry should expect a progressive increase in noise and blasting impacts (relative to currently approved production levels) as production increases to the proposed level of 1.1 Mtpa. Receivers located along the primary haul route from Dungog Road through Paterson and Bolwarra should expect a significant increase in traffic noise levels and other traffic-related impacts compared to currently approved traffic levels.

Please contact the undersigned for any further information or discussion.

Yours faithfully,



**MARK BRIDGES BE (Mech) (Hons) MAAS**  
**Principal Consultant**

## Attachment 8 – Social Impact Assessment Peer Review

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29/7/2021

MCQAG  
PO Box 128  
Paterson NSW 2421

Dear President,

The following advice presents the findings and recommendations of an expert review of the *Martins Creek Quarry Extension Project Social Impact Assessment (SIA) May 2021*, currently on public exhibition. The SIA was prepared by Umwelt (Australia) Pty Ltd on behalf of Daracon.

The expert views outlined in the letter include those of Dr Hedda Haugen Askland, an anthropologist and Project Director of the University of Newcastle's Centre for Social Research and Regional Futures (CSRRF), who has extensive experience in research and analysis of people's connection to place and their lived experiences of environmental and social change in the context of large-scale development projects. The expert review has also been conducted by Dr Louise Askew who has extensive experience working in social impact assessment for large development from both a consulting and government perspective. Both experts have had ongoing roles in the development and application of the original (2017) and updated (2021) *Social Impact Assessment Guidelines* prepared by the NSW Department of Planning, Industry and Environment.

Overall, the expert review demonstrates that the SIA is misleading in its use of a comparative baseline for the project that does not reflect the currently approved operations. It also significantly understates the 'lived experiences' of the proposed project features that have been experienced by local communities during an extended period of unlawful operations. Although the research and consultation process contained in the SIA is rigorous, it has been used in ways that have led to misleading and inaccurate assessments of impacts, risks and management options.

Drawing on the material presented in the SIA it is our assertion that the risk assessment and evaluation of significance of social impacts are inadequate, with likelihood level and consequence level underestimated. From the submissions analysed and based on the amended project parameters and mitigations, a number of residual social risks should be more correctly rated as "Almost Certain" to occur, having a "Major" social impact that will result in an "Extreme or Very High risk rating". We are of the opinion that the mitigations exhibited are inadequate and the

residual negative social impacts, based on lived experiences, will be unacceptable to a significant cohort of the impacted population.

We recommend that the social impacts and mitigations are reassessed and the SIA resubmitted to address the key issues identified in this review (see attached).

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'H. Askland'.

Dr Hedda Askland

A handwritten signature in black ink, appearing to read 'L. Askew'.

Dr Louise Askew

Findings	Evidence	Recommendations
An incorrect baseline is used to undertake the assessment.	<ul style="list-style-type: none"> <li>• The SIA incorrectly uses the EIS exhibited in 2016 as a baseline for current operations and for the proposed 2021 amended Development Application (DA) project features. This baseline, which establishes the comparative measure for impact to that during the period of unlawful operation, significantly skews the evaluation of risk and impacts and leads to misleading proposals for mitigation and management.</li> <li>• The incorrect baseline renders the assessment invalid and misleads the public by presenting proposed project features as ‘reductions’ ‘restrictions’, ‘amendments’ (see pages 6-9) – when they are, in large part, increases to the current approved operations.</li> </ul>	<p>We recommend that the SIA is assessed as invalid and a request made to resubmit.</p> <p>The revised SIA should use the existing social research presented in the report to reassess impacts against the current approved operational baseline.</p>
The current operations and project history are misrepresented.	<ul style="list-style-type: none"> <li>• The SIA report overlooks the current approved operations by using the misleading baseline (as described above).</li> <li>• The project history and Land and Environment Court ruling on the unlawful operations undertaken on the quarry from around 1998 to 2019 is not adequately described in the ‘Operational Context’ and ‘Historical Operations’ sections, nor reflected throughout the report [Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2) [2018] NSWLEC 153 (Molesworth AJ)]. The outcomes of the ruling are often referred to as ‘limited’ operations instead of ‘legally approved operations’, for example: <ul style="list-style-type: none"> <li>– “the quarry previously <i>appeared</i> to be operating outside of its consent conditions” (page 226)</li> <li>– “following the Land and Environment Court’s decision in 2019 to <i>limit</i> operations” (page 209)</li> <li>– “although communication provided by Daracon expressed that the quarry was placed into a <i>limited</i> operation while the DA process is completed” (page 225).</li> </ul> </li> </ul>	The context and project background should be rewritten as part of the revised SIA to accurately represent current and historical operations and the project history.



<p>The lived experience of social impacts by the community are not adequately taken into account as part of the assessment.</p>	<ul style="list-style-type: none"> <li>• The Land and Environment Court decision in favour of Dungog Shire Council made clear a number of unlawful operations at the quarry from 1998-2019 including: <ul style="list-style-type: none"> <li>– Extracting material from areas/land not approved</li> <li>– Contrary to their consent conditions, quarrying for material other than rail ballast (the quarry consent only allows them to produce rail ballast)</li> <li>– Contrary to consent conditions, transporting more product by road than rail (consent required that 70% of railway ballast be transported from the site by train, however most was transported by road)</li> </ul> </li> <li>• These unlawful operations peaked at the site around 2014 when they extracted 1.1 million tonne of product (up from the 1991 EIS consent limit of 300,000 tonne), with 30-40 truck movements per hour and 100-600 truck movements per day along the 23km of local roads and through residential communities, rural villages and urban residential areas.</li> <li>• The unlawful operations are the same or similar to the operations proposed as part of the amended DA – for example, the amended DA seeks approval for extraction of up to 1.1 million tonnes per annum of quarry product material and hourly peak truck movements of 40 trucks per hour.</li> <li>• The fact that the local residents have endured real-time impacts of the proposed development during the time of unlawful operations presents the Umwelt social impact assessors with a unique opportunity to gain a deep understanding of the impacts that the proposed development will have. These are not ‘perceived social impacts’ but rather ‘real social impacts’ that the local community have endured for many years.</li> <li>• Although the SIA speaks directly to how various components of the proposed development impedes on the everyday experience of place, belonging, rural character and amenity, this is undermined in the evaluation of risk and significance of impact. The local residents’ past experiences speak directly to the significance of this, with clear indication that on a number of Project Aspects (e.g. Presence of operation; Product haulage; Onsite Quarry operations) this should be—in line with the risk matrix of the 2017 SIA Guideline to which the SIA has been conducted—<b>Extreme</b>, A4 or A5 (Likelihood level: A [Almost certain]; Consequence Level: 4 [Major] and/or 5 [Catastrophic]) and not High or Moderate.</li> <li>• Taking account of the lived experience of place is essential in understanding notions of place attachment and community (Askland and Bunn 2018) and</li> </ul>	<p>The revised SIA must appropriately represent the social impacts as ‘lived experiences’ of the local community. The unique nature of this case enables measurement of the lived impacts of the proposed development and its implications for people’s sense of place, belonging, rural character and amenity. Rather than forwarding this as ‘perceived’ social impacts that can attain a prediction of significance, the significance can and should be measured based on the lived experience of living with the impacts of the proposed development. This ‘lived experience’ must be taken into account when revising the risk assessment process and ratings.</p>
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	<p>central to forwarding a sound assessment of social impact as this relate to the SIA categories, specifically way of life, community, culture, health and wellbeing, surroundings and fears and aspirations.<sup>1</sup> Amenity—as this relates to both scenic quality and noise, movements and mobility (in this instance truck movement)—relates to both aesthetic values, sense of place and other intangible qualities often highly valued in rural and regional areas, such as Dungog. The project’s impact on amenity is, as such, something that must be seen in relation to the lived experience of place and sense of place.</p> <ul style="list-style-type: none"> <li>• Lived experience is embedded in people’s sense of place and it shapes people’s perceptions, responses and experiences of social and ecological change (Rajala, Sorice and Thomas 2020) and to adequately understand social impacts of proposed development a rigorous analysis of people’s sense of place must be undertaken and folded into the social impact assessment matrix and consideration of mitigation and management measures.<sup>2</sup> As Lawrence explains ‘sense of place is the “everyday connection individuals have with their local spaces that gives their life meaning in the present. Having a sense of place contributes to a person’s wellbeing, general health and life satisfaction”’ (cited in Preston 2019).<sup>3</sup></li> <li>• As indicated by Judge Brian Preston’s judgement in the case of Gloucester Resource Limited v Minister of Planning in the Land and Environment Court, carefully addressing the lived experience of place through the notion of sense of place is essential for social impact assessments of state significant projects, with this measure being one of the central elements in his rejection of the proposed development in Gloucester.<sup>4</sup></li> <li>• The proposed development will have social impacts that have been lived (directly experienced) by local residents during the time of the proponent’s unlawful operations. As such, these measures are not simply perceived but lived, endured and felt. Whilst it is important to emphasise that so-called perceived impacts are real impacts equal to measurable technical impacts (see 2017 SIA Guideline, p.7) we want to emphasise here that as the community has already lived with the identified social impacts, the evaluation of this can move from modelling and projections to measurement.</li> </ul>	
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<sup>1</sup> Askland HH, Bunn M. 2018. Lived experiences of environmental change: solastalgia, power and place. *Emotion, Space and Society* 27: 16-22

<sup>2</sup> Rajal K, Sorice MG, Thomas VA. 2020. The meaning(s) of place: Identifying the structure of sense of place across a socio-ecological landscape. *People and Nature* 2(3): 718-733.

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<sup>3</sup> Preston CJ. 2019. *Gloucester Resources Limited v Minister for Planning*. NSWLEC 7.

<sup>4</sup> *Ibid.*

<p>Final risk assessment scores are understated and not well-evidenced</p>	<ul style="list-style-type: none"> <li>• The social research undertaken to inform the risk assessment is rigorous and includes submissions (887 submissions) and consultation (285 stakeholders) from the original and amended EIS process. However, the risk assessment scores do not adequately or accurately represent the baseline operations, the lived experience of these social impacts, cumulative impacts from other nearby quarries, or the mitigation measures. <ul style="list-style-type: none"> <li>– Firstly, the risk assessment includes a comparison between the original and revised project features, instead of the current approved operations – this provides a misleading sense of the mitigation effort and therefore the final risk assessment scores.</li> <li>– Secondly, the ‘perceived’ social impact ratings do not appear to adequately represent the ‘lived experience’ of the local community who have experienced many of the proposed operations under an extended period of unlawful operations. For example, there are no ‘extreme’ rankings for perceived impacts and only 33% are rated ‘high’ – despite the fact that many would be perceived as ‘likely-almost likely’ and ‘moderate-major’ in consequence.<sup>5</sup></li> <li>– Thirdly, many of the ‘mitigation’ measures are misleading: they do not address the change from baseline current operations; they rely largely on the technical studies and do not address the <i>social</i> impacts of those technical risks; and, the change from unmitigated to mitigated ratings are not well-evidenced. For example, 33% of the negative social impacts originally rated ‘high’ remain ‘high’ even with mitigation. In addition, the increased rating in the four identified positive impacts is not adequately justified (e.g. the number of employees as a proportion of local workers is insignificant, and there is a major unstated assumption that there would be enough local employees to prioritise for employment).</li> <li>– Finally, the cumulative impacts of Martins Creek and Brandy Hill quarries, while noted in the SIA report, do not appear to be adequately considered as part of the risk assessment process.</li> </ul> </li> </ul>	<p>The risk assessment is redone using existing research, the accurate baseline, with particular attention paid to ‘lived experiences’ and cumulative impacts and greater transparency in the process of evaluation (the arguments underpinning the resulting risk and significance score).</p>
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<sup>5</sup> Out of submissions on the original EIS, social impacts were the second most frequently raised theme in submissions, with concerns centred around the loss of social amenity (227 submissions), including: traffic and transport (373 submissions); public health and safety (291); noise (257); air quality (160); blasting and vibration (160); visual amenity (15). In addition, the consultation undertaken as part of the revised SIA confirms these lived experiences and fears of social impacts are ongoing with the top three impacts identified as: impacts on amenity from trucks and transport; sense of community; and social amenity impacts from quarry site operational impacts. An additional local community survey conducted in 2015 with 82 respondents further confirmed these social impacts

<p>The process of risk assessment is not transparent.</p>	<ul style="list-style-type: none"> <li>• The process of undertaking the risk assessment ratings is not transparent in the report so it is difficult to understand who was involved and how the process was undertaken. In addition, there is not enough detail in describing why the ratings were prescribed for 'perceived' or 'mitigated' impacts, as evidenced by the fact most (65%) of the identified impacts have no 'comments/assumptions' attached in the risk assessment table.</li> <li>• In addition, it appears that the risk assessment process has not involved consultation with stakeholders as advised under good Social Impact Assessment practice.</li> </ul>	<p>As above – and include a description of how the process was undertaken and more clarity around any change in ratings. In addition, consult with stakeholders as part of the risk assessment process.</p>
<p>Mitigation and management strategies do not appropriately target key risks and impacts, or community concerns.</p>	<ul style="list-style-type: none"> <li>• Of the 15 proposed mitigation/management measures, only 3 directly address the operational features causing the key social impacts, and of these, the measures are presented as 'reductions' and 'restrictions' against the original DA not the approved legal operations. These do not adequately represent the 'lived experiences' of the local community or the suggestions on management and mitigation put forward repeatedly by the community – thereby further reinforcing already very low confidence levels in the company.<sup>6</sup></li> <li>• Some of the mitigation/management measures are not specific or measurable – for example, "regular consultation with local bus companies". In addition, several measures seem vague or impractical to implement – for example "investigation of use of radar variable message signs", "reduced speed limits for quarry trucks through Paterson village" (pages iv-v)</li> <li>• Most of the mitigation measures are a standard part of any SIA (e.g. Social Impact Management Plan) or part of normal operations for a project of this scale (e.g. Community Contributions Scheme, Community Engagement Strategy, Voluntary Planning Agreement).</li> </ul>	<p>Mitigation and management strategies are reviewed as part of a revised SIA to provide more targeted measures that directly address the identified social impacts and reflect the views and 'lived experiences' of local community.</p> <p>The SIA must translate into the risk assessment and mitigation management strategies, and a no-development scenario must be established.</p>

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with 40.6% of respondents stating they believed their normal daily activities have been affected by Daracon operations to some extent, and a further 37.5% affected very much (*Community Attitudes towards the Martins Creek Quarry Proposal 2015*, survey undertaken by Martins Creek Quarry Action Group)

<sup>6</sup> See: *Community Attitudes towards the Martins Creek Quarry Proposal 2015*.

# Attachment 9 – Biodiversity Impacts – Photos of Threatened Species Sightings

Koala sightings in and around Martins Creek Quarry Pit



## Attachment 10 – Activity Centre Impacts







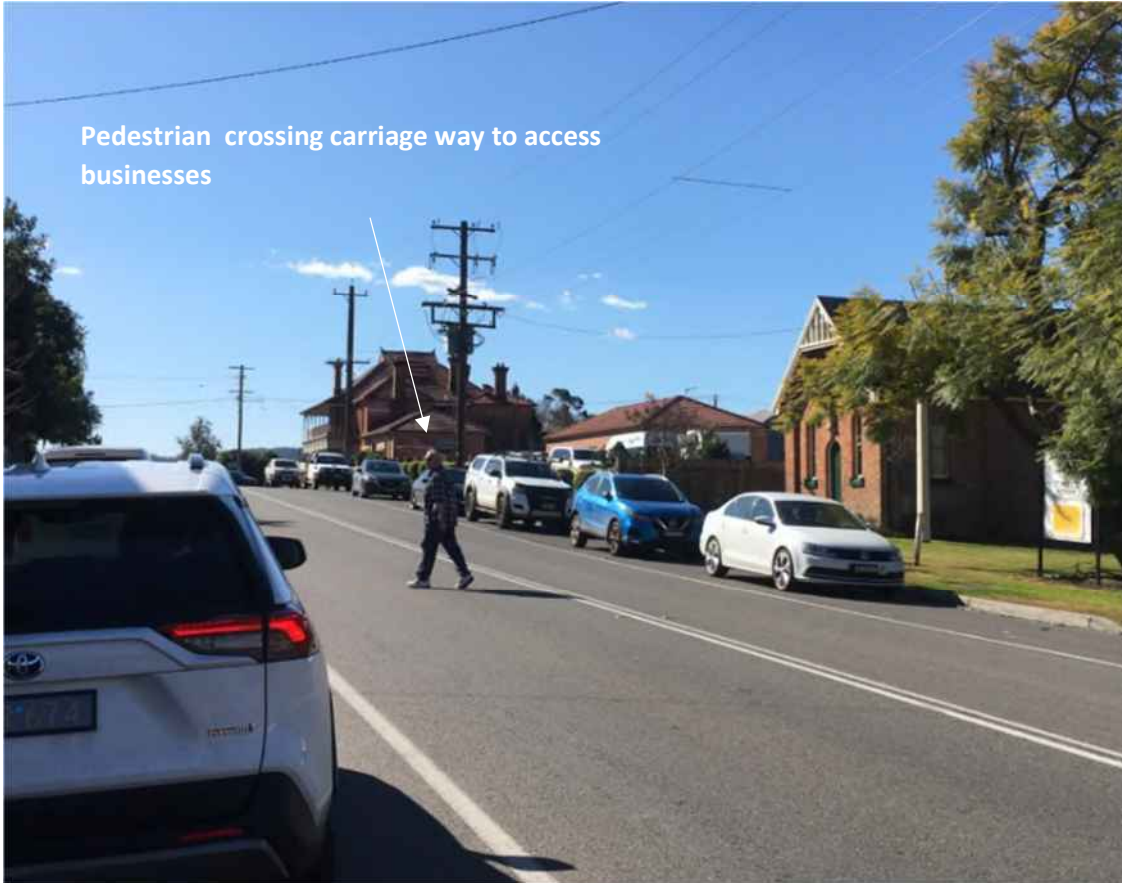
Pedestrian using car park to pick up parcel from Post Office



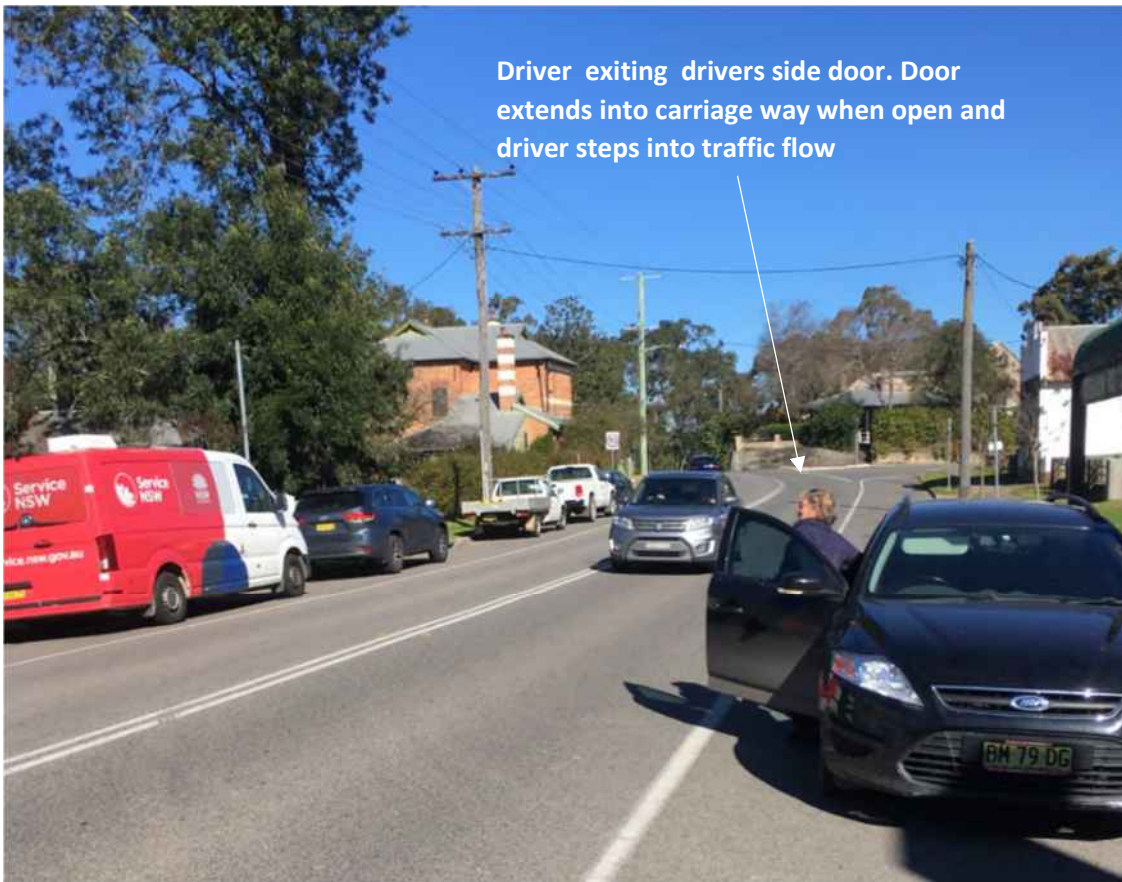
Pedestrian accessing drivers side door. Door extends into carriage way when open

NSW Services Mobile Office, access to service desk via road / carriage way

Pedestrian crossing carriage way to access businesses



Driver exiting drivers side door. Door extends into carriage way when open and driver steps into traffic flow

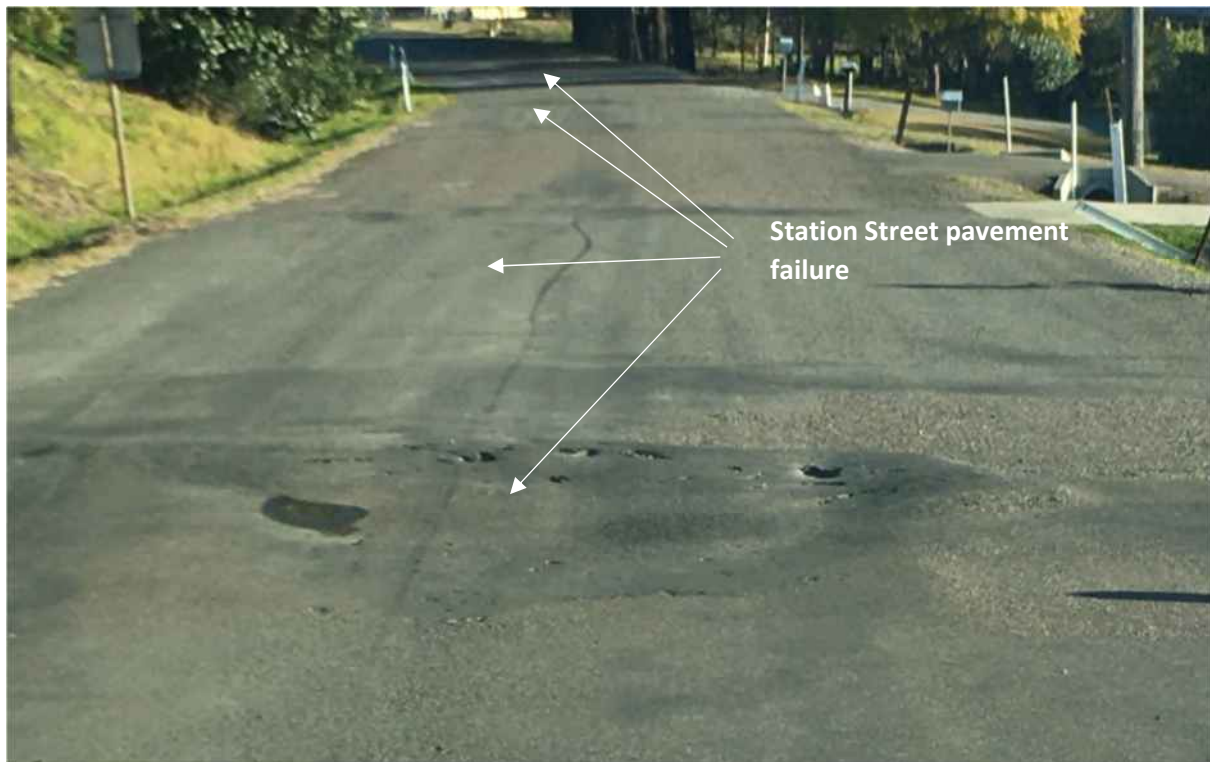


# Attachment 11 – Traffic and Road Safety Impacts

Station Street (Rural residential cul-de-sac) Martins Creek Village



Station Street Pavement Failure, Martins Creek Village



Station Street, Grace Ave, Main Northern Rail line intersection, Martins Creek Village



Gostwyck Bridge, single lane timber bridge, Dungog Road



Gresford Road



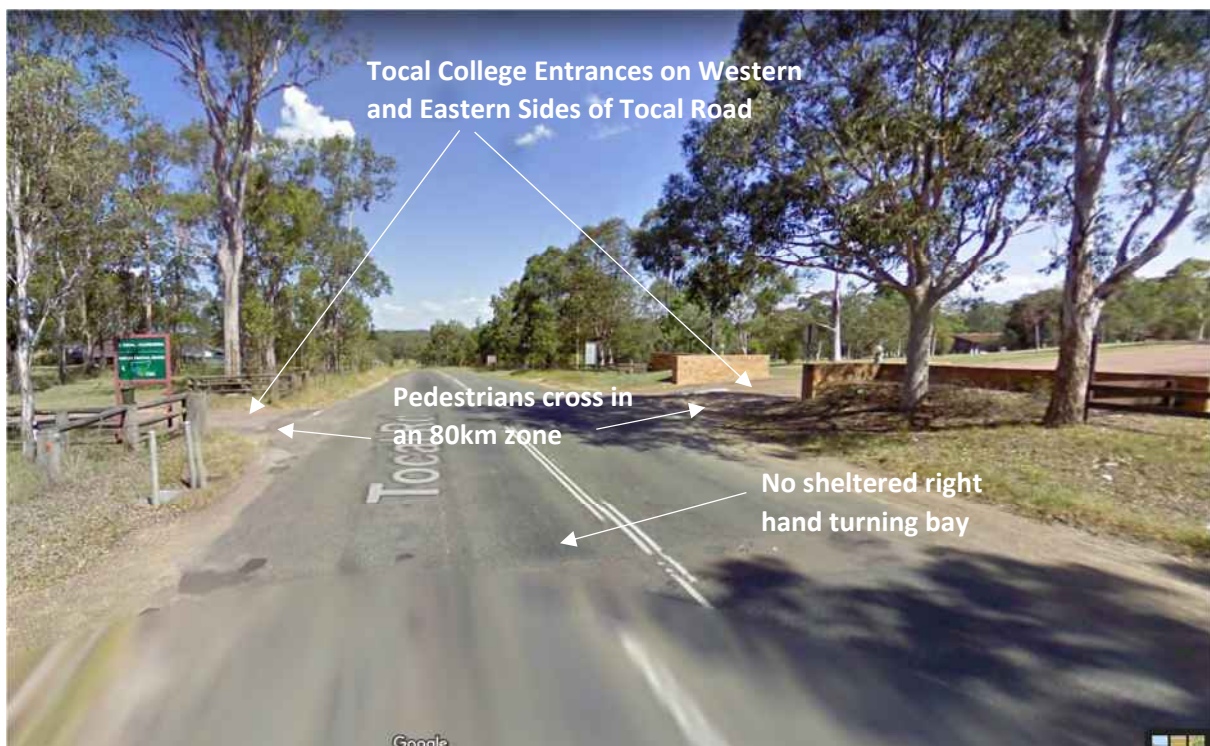
Church Street / King Street Intersection Paterson



Duke & Prince Street intersection Paterson



Total Road, Total College Entrance



Tocal Road, pavement failure



Paterson Road, Bolwarra Heights (School zones, Tilly's day care, cumulative impacts of Brandy Hill Quarry and MCRailwayBQ)





## Attachment 12 – Reasonable & Feasible Mitigations



## Southern Highlands Quarry Tour

MCQAG | Confidential

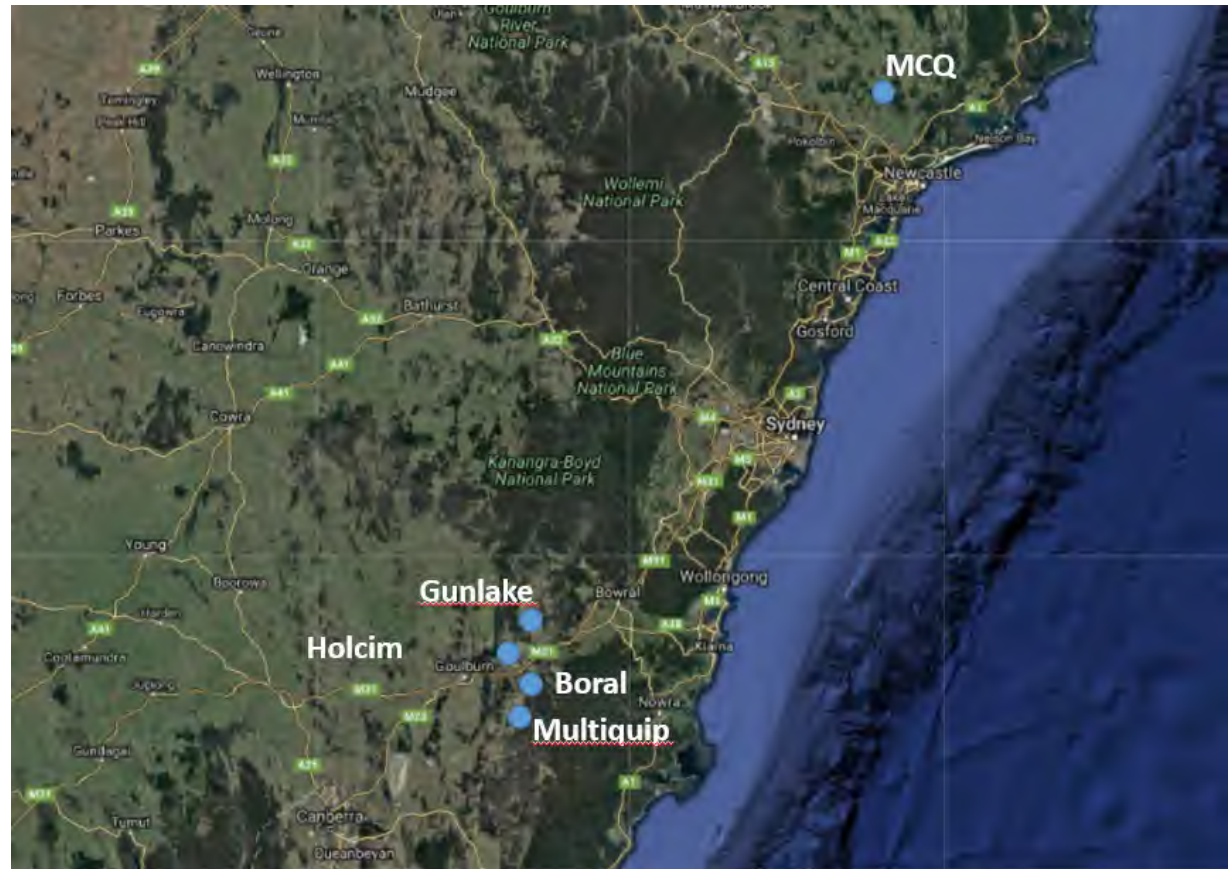


# Overview

1. Holcim Tour and Reconnaissance
2. Drive through Marulan
3. Drive to Gunlake - Reconnaissance
4. Drive to Boral Peppertree – meeting with Boral Env Mgr
5. Met with Towrang Progress Association
6. Drive to Ardmore Park (Bungonia) Reconnaissance

# Overview

- MCQ to Parramatta **181km**
- Marulan to Parramatta **161km**



# Overview



# Holcim Lynwood

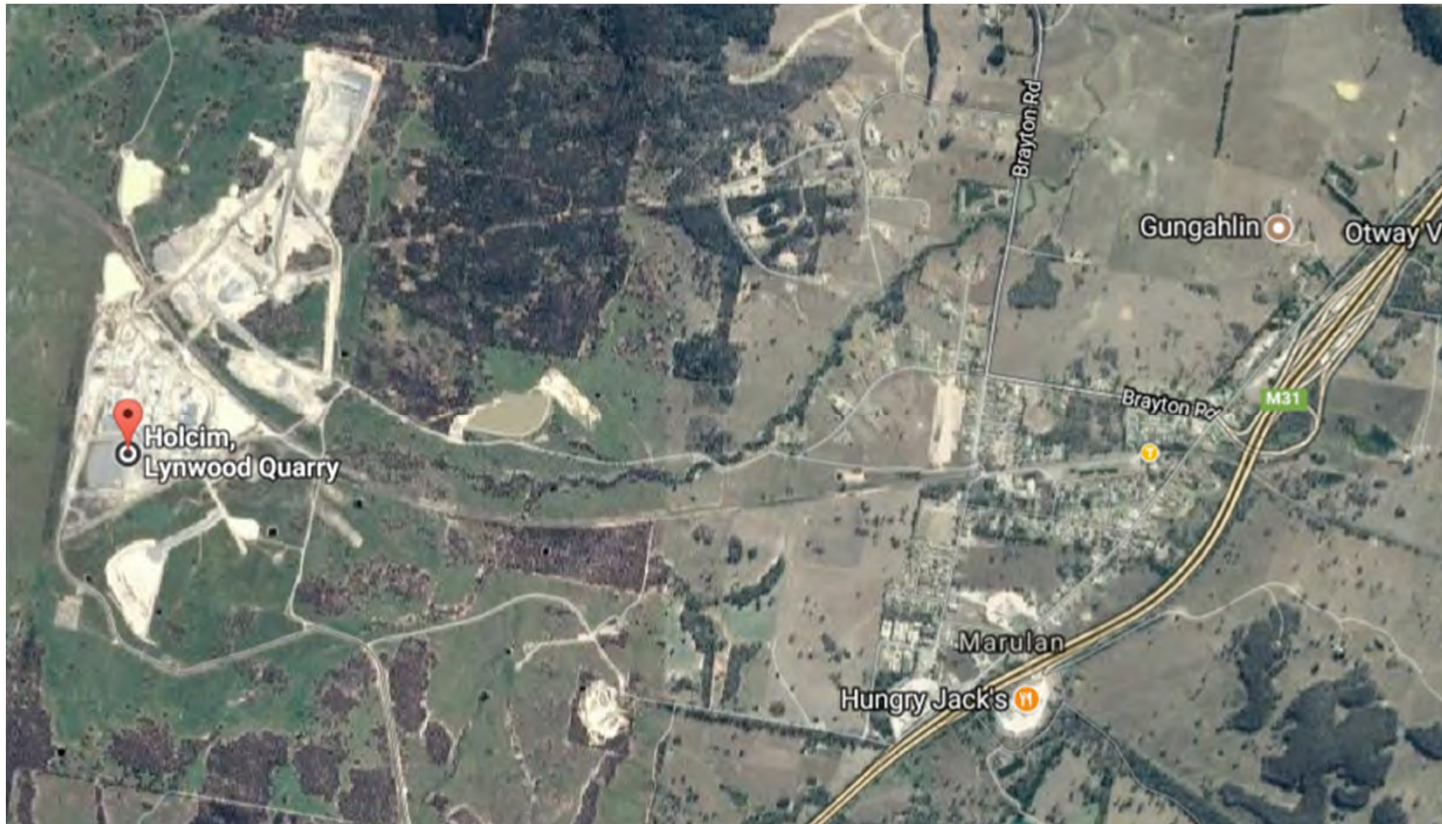
Project Approval;

- 30years
- 5Mt/a approval (Current scale between 1.5 and 2.2Mt/a)
- 1.5Mt/a by road limit
- 24hr crushing
- 6am to 10pm pit operations

# Holcim Lynwood



# Holcim Lynwood

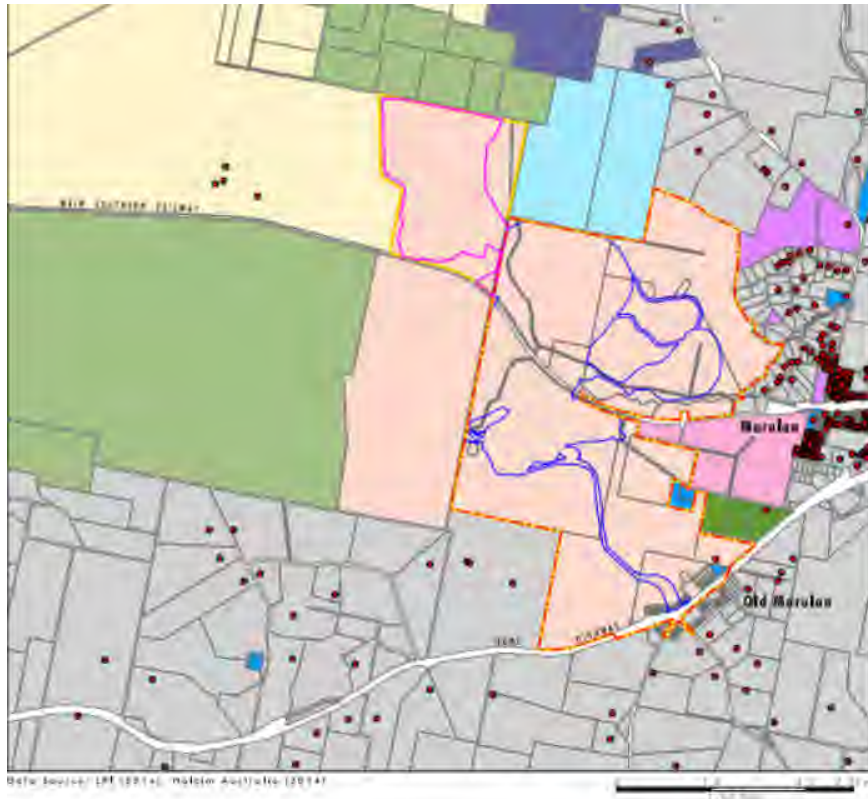




# MCQ vs Holcim Lynwood



# Holcim Lynwood nearest receptors



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim



# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim



# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential



# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Holcim Lynwood

- 5Mt/a
- Currently operating at 1.5Mtpa
- Would require duplication of processing equip to get to 5Mt/a
- 70% by rail presently
- Light screen installed to mitigate impact of residents 40km away
- 216 loaded trucks per day
- 2 trains (1 x 36 wagons 1 x 24 wagons) 76 tonne per wagon
- New granite pit being developed – new 2km long haul road
- Ignimbrite pit is 2 years old, 3 x more abrhasive than planned
- 1000Ha land owned by Holcim
- 200Ha impacted
- 300Ha has been offset

# Holcim Lynwood

- 15m benches
- Design pattern blasting used
- They do have some complaints
- After a complaint they monitor for six blasts at the residences and attend the residence in person for the blast
- Call before blasting – time usually between 1pm and 4pm
- Ignimbrite pit being built to be converted to a dam
- Primary crusher runs 24/7
- Noise is monitored 2wks every 3mths
- Conveyors and crushers, chutes, bins are covered and included water suppression spray
- Primary crusher 1000t/hr
- Secondary crusher 500t/hr

# Holcim Lynwood

- Direct haulage route to Hume Hwy
  - \$34M overpass and interchange constructed for access to Hwy
  - \$250M processing facility
  - Condition of consent no trucks allowed through Marulan
  - No per hour limit on trucks
  - Twice a year CCC
  - Employment – locals 40 to 50 staff + contractors
  - \$50K pa community investment fund
  - \$50K pa engagement/sponsorship fund
  - Once a month staff perform local volunteering (rubbish, mowing, marulan)
-

# Marulan Township



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Gunlake

## Project Approval

- 25years
- 2Mt/a
- 490 loads per day (max) 370 per day averaged across a month
- 38 loads per day (max) through Marulan residential area
- Prior to transport more than 62Kt/month roads to be upgraded

# Gunlake





# Gunlake



# Gunlake



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Boral Peppertree

## Project Approval

- Approval til 2038
- 3.5Mt/a
- 100% rail
- Silo storage of product

# Boral



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Boral



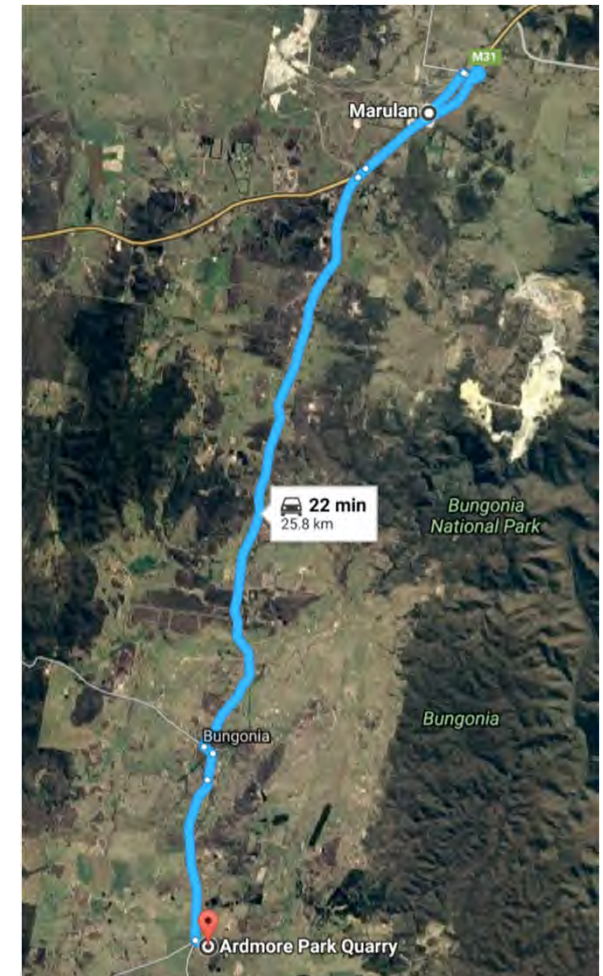
➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Multiquip – Ardmore Park

## Project Approval

- Approval til 2039
- 0.4Mt/a
- Private Road bypass around village of Bungonia constructed
- Limited to 5 loads per day (20,000tpa) until road upgrades completed

# Multiquip



# Multiquip – Bungonia bypass rd





# Multiquip 23km upgrade to Jerrara Rd



➤ S Highland Quarry Tour August 2017 MCQAG - confidential

# Multiquip 23km upgrade to Jerrara Rd



## Attachment 13 – Brandy Hill Quarry 1983 Consent Conditions (exert)

### SCHEDULE 1:

FILE: P9/1/12/1920

- 9) Full details of office and amenities to be submitted with Building Application.
- 10) Engineer's details of footings and concrete slabs to plant and buildings to be submitted with the Building Application.
- 11) That ten (10) carparking spaces are to be provided upon the site in accordance with Council's Business and Industrial Control Code.
- 12) No work is to commence upon the development of this land unless and until the road proposed within the subdivision of Development Application No 2157 is constructed and dedicated to Council.
- 13) This application is subject to a Section 94 Contribution under the provisions of the Environmental Planning and Assessment Act, 1979 in respect of the upgrading of communication and transport facilities within the area and in this regard widening of Main Road 601 to provide bus lay-bys for the picking up of and setting down of school children will satisfy this requirement.
- 14) Should claims for compensation in respect of damage or loss of value of property within 2 km of the centre of the quarry arise, the applicant shall accept the verdict of an independent board in respect to payment of damage claims or in the case of gross devaluation of property, acquisition thereto. The board shall consist of:-
  - (a) A Chairman being the nominee of the Valuer General who shall have a casting vote,
  - (b) A representative of the Seaham District Community Association,

## Attachment 14 – Heritage Impacts



## **Paterson Historical Society's Objection to the expansion of Martins Creek Quarry**

Paterson Historical Society aims to promote and preserve the history and heritage of the Paterson district and to assist people find information about their forebears from the district. Our publications cover many aspects of the district's history.

Paterson Historical Society strongly opposes the expansion of the Martins Creek Quarry. The quarry was established to service the railway and it ought to continue to do that and not expand to be a massive quarry extracting material that is transported by road.

### **Shortcomings of the Heritage Impact Statement**

The Historical Heritage Impact Assessment Statement (Appendix K) is inadequate and superficial.

It fails to include the intrinsic values of the village's heritage and the value that heritage brings to the local businesses and community.

It seems to be a cut and paste from very limited number of sources without seriously engaging with the heritage and history of the village and district.

The Society has an extensive archive of reports and publications on its website <https://www.patersonhistory.org.au/> There is no record that any of these readily available sources were used to prepare the report. List is in appendix 3.

The Society website <https://patersonmuseum.square.site/> has 50 publications listed for sale. Included in these publications is the *Glovebox Guide to the Paterson Valley* published in 2014 which demonstrates the value placed upon the heritage of the Village and district. Neither this or any other of the publications from the Society were referenced in the report.

The Society has a dedicated library room with all available references about the Village and district. There is no indication that the authors of this report visited the Museum and library. The Museum is open every Sunday and also by appointment.

The Society was never consulted by the consultants who prepared this report. This is in comparison to other local projects where consultants engage with the Society to assist them to gather all available and relevant information.

Paterson Historical Society has worked with two software companies to create app/website-based walking tours of the Village

<https://inspireme.cyaontheroad.com/post/636626774776840192/paterson-town-walk> Promotional bookmark with QR code is in appendix 2

<https://www.godrivin.com.au/#!/trip/au-nsw-hunter-region-paterson---local>

There is no mention of these in the report.

There are errors and omissions in the report such as the listing of Hua Tsa, a historic house in Clarence Town which is 30 kms to the east of the route.

Whereas, Sunnyside which is the oldest recorded dwelling in Paterson and just 20 metres from the haulage route is omitted.

The report is padded out with unnecessary information to give the impression of thoroughness. This is demonstrated by the listing of buildings in Maitland well away from the haulage route.

### **Impact of 280 trucks per day on Paterson Historical Society**

In 1973 the Paterson community established the Paterson Preservation Society which was renamed as the Paterson Historical Society in 1982.

The Paterson Court House Museum opened in 1974 and has operated continuously since then.

In 1981, the Society held its first historic walk. A small booklet on the walk was published in 1986. Later a colour brochure was produced in collaboration with Paterson Rotary Club. This project included installation of village wayfinding signs in both parks. A copy of the brochure is in appendix 1.

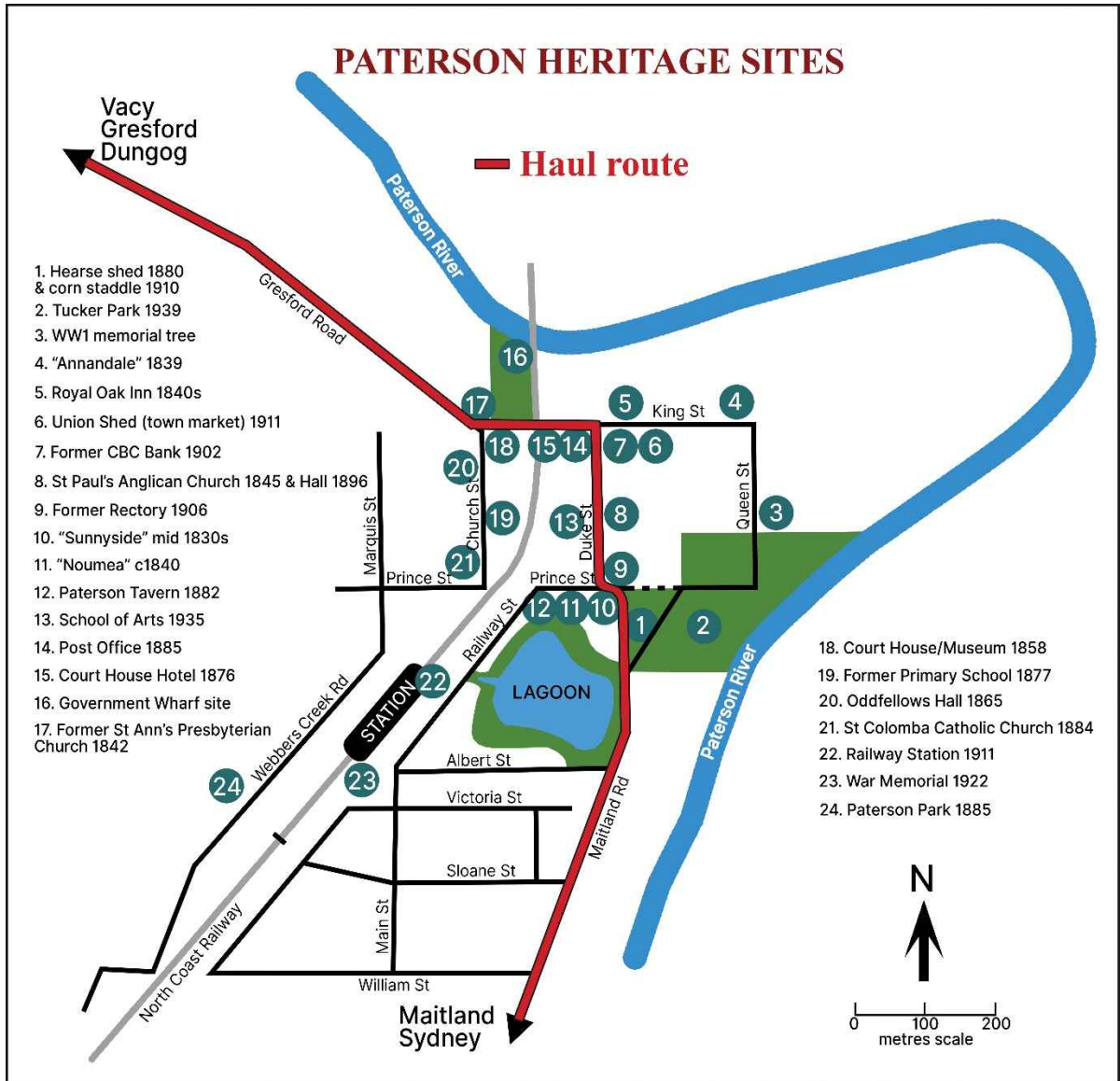
The Village has always attracted day trippers who have come to the parks and streetscapes for their beauty and ambience. This is not just on weekends but through the week.

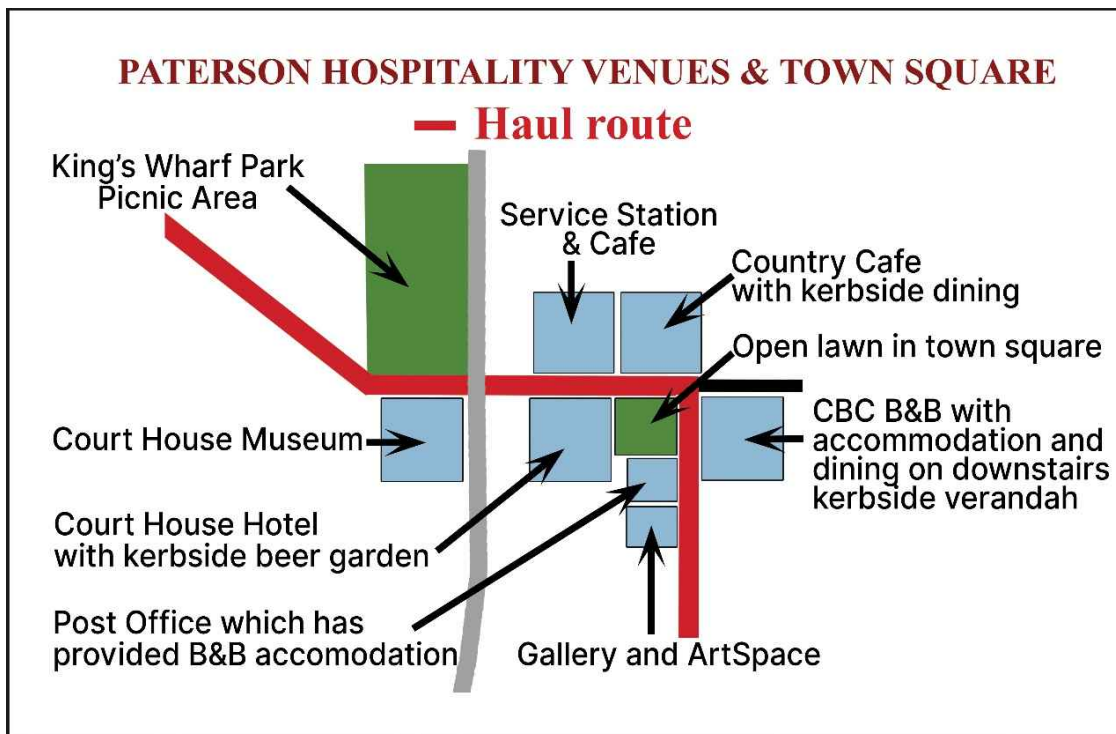
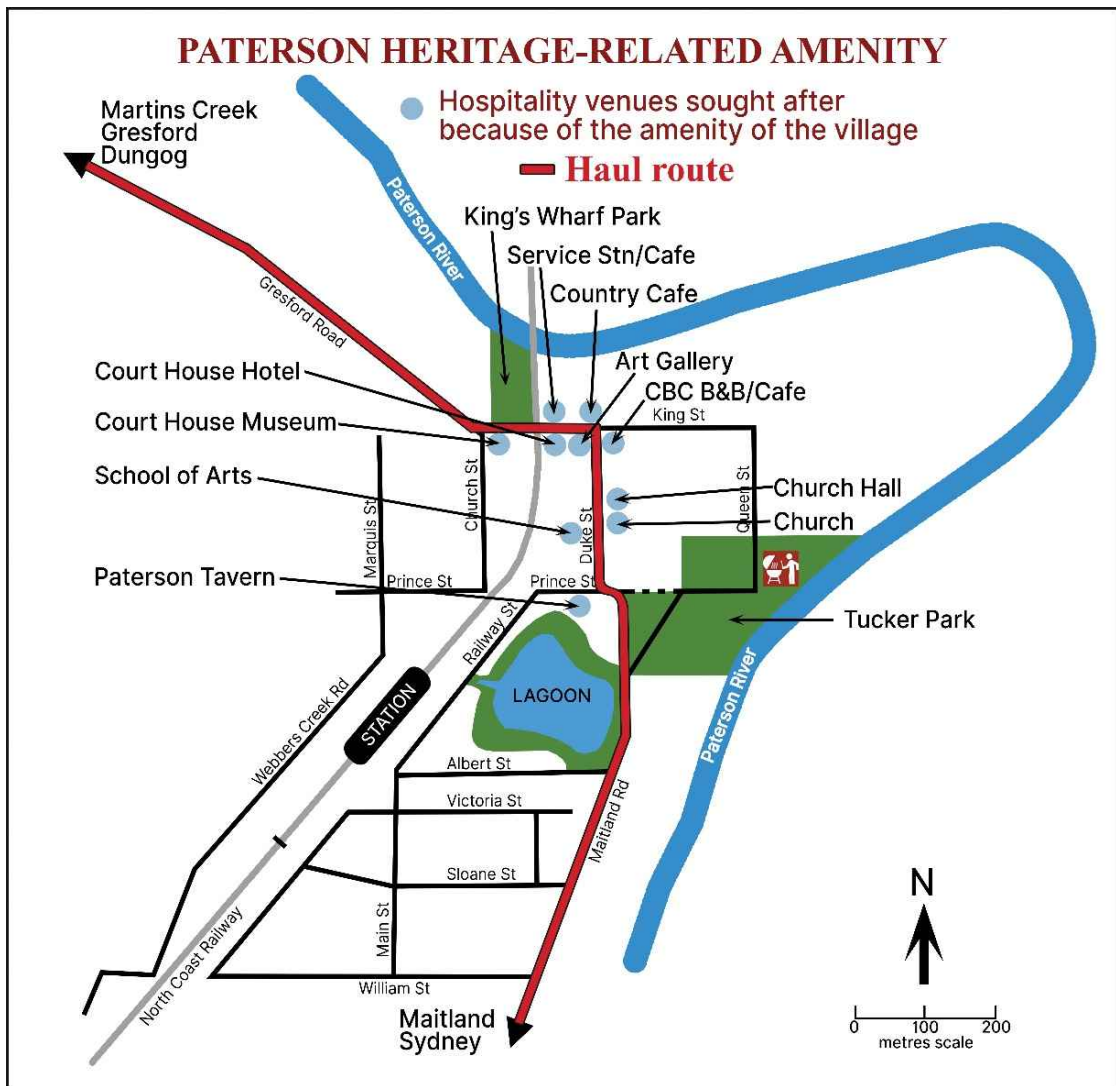
In May/June 2021 the Society hosted four mid-week day trip groups who visited the Museum and also made use of the parks and/or the various hospitality venues.

The Society works with Vintage Rail Journeys and hosts mid-week visits to the Museum.

In February the Society hosted a group travelling with Australians Studying Abroad, a high-end company. Another midweek tour is planned for 2022.

All these people visit Paterson for its heritage, its ambience and amenity which will be destroyed by these trucks.







**Buildings, businesses, venues and village activities impacted by 280 trucks per day through Paterson**



Paterson Court House Museum



Historic walks



Paterson PO and Art Gallery



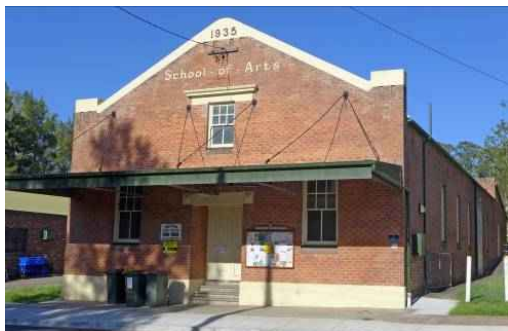
CBC BnB and Café



Court House Hotel



Paterson Country Cafe



Paterson School of Arts



Tucker Park and children's play area



The former Rectory is on one side of the narrow street which enters the central part of the Village and Sunnyside – believed to be oldest house in Paterson is on the other side. The impact of the trucks on this narrow curving street and important heritage precinct is not addressed in the report.



Paterson Tavern



Noumea with Sunnyside behind it



St Pauls Church and Church Hall



Paterson Servo and Cafe



Paterson Town Square in front of PO which is an informal meeting place for the community. The impact of past truck movements is evident by the condition of the kerb. The proposed expansion of the quarry will mean part of this public land is alienated and the square will no longer be a pleasant space for people to meet.



This purpose designed layby in front of the lagoon as you enter Paterson from Maitland is a popular spot for travellers because of the picnic facilities and local environment. A group of dedicated community members rehabilitated the lagoon as a bicentennial project. When the quarry was operating this location was frequently occupied by trucks. Daracon will say they would ban trucks from stopping in this location. No one apart from concerned locals will police it. The community has no confidence in Daracon's competence in managing the behaviour of trucks hauling from the quarry.

The other impact of trucks is that they can bank up along King Street and around into Duke Street when the railway gates close. This totally dislocates the Village for lengthy periods.

## Impact of 280 trucks per day through Paterson on business

If this happens it will destroy the amenity of the Village.

The consequences will be that businesses which rely upon visitation for hospitality and amenity will be impacted.

These businesses occupy and carefully maintain heritage buildings. They will no longer be able to afford the maintenance of the buildings.



If the quarry is approved up to 280 trucks will pass this kerb side dining area per day.



Heritage dwellings impacted by the trucks will drastically fall in value and ultimately become low value housing with occupants who cannot afford to maintain them.

What was a much cared for village and loved neighbourhood will lose its value and the heritage will ultimately be lost.

The proposed modification to the corner of Duke and King Streets will unnecessarily change an important layout element of the village dating from 1833. This is part of the village's town square where people meet and chat while going about their business. This amenity will be destroyed.

## **Death by a thousand cuts**

The Society is very fearful that if these trucks are approved to travel through the Village, even with conditions, there will be incremental amendments to the approval meaning that hours will be extended and weekend haulage will become regular.

It will be death by a thousand cuts.

Governments are spending millions to bypass country towns, create expressways and tunnels in cities. It seems illogical to contemplate putting all these trucks onto the road through Paterson when the quarry is on a railway line.

The Society strongly objects to the expansion of the quarry, but if expansion is to occur then the material must be moved by rail.

Those who are to decide approval or otherwise of this project have a duty of care for the heritage, the businesses and the well being of the people of Paterson.



AC Archer AM  
President

[patersonmuseum@gmail.com](mailto:patersonmuseum@gmail.com)

21 July 2021

## **Appendices**

1. Town Walk Brochure
2. Promotional bookmark with the QR code on it for walking tour produced by CYA on the Road
3. List of publications from Paterson Historical Society

Appendix 1  
**Historic Walk Brochure**

## PATERSON HISTORIC WALK

**14** Former St Ann's Presbyterian Church, 1842 now closed.

**7** "Ammandale" 1839 and extended in 1887 was built by Major Edward Johnston, popular Police Magistrate, and later owned by the Corners, a well known Paterson family in the 1800s and 1900s.

**18** Corner of Prince St and Webbers Creek Road, Prince St is the boundary between the original land grant of Bona Vista and the town as laid out in 1833

**19** Paterson Railway Station began operation in 1911. Today it services passenger trains from Dungog to Newcastle.

**20** Paterson Park was first gazetted in 1885. Parts of it are used for Paterson Primary School (1971), Paterson Bush Fire Brigade (1974), Paterson Preschool (1985), and Golf Club (1994).

**8** Former Union Shed (town market) from 1911. Fruit and vegetable auctions were held weekly up to the 1950s.

**6** Pecan nut tree. Reputedly planted by John Tucker to celebrate the end of WW1. He farmed this area and lived in the second house opposite.

**5** John Tucker Park was established in 1939 and extended in 1970s.

**4** The Old Rectory Church of England Rectory 1906. The first Rectory arrived to a house on this site in 1839.

**3** Buildings in Prince Street from corner: "Sunnyside" is probably Paterson's oldest surviving building, containing part of a store built in mid 1830; 'Noumea' about 1840; and Paterson Tavern, formerly Commercial Hotel 1882. Opposite is 'Ernestville' 1900.

**2** Site of Fry's coaching business and farm. Remaining buildings are the corn staddle 1910 and hearse shed 1880.

**1** Paterson Lagoon was originally a natural wetland that extended into the park. Rehabilitated in 1988 and later works by Rotary Club of Paterson Inc. To the north is the original village of Paterson laid out in 1833. To the south is a subdivision of part of the former Bona Vista property. These two areas form the current town of Paterson.

**PATERSON STREET MAP**  
 Showing historic site locations  
 2022

**8a** Former Royal Oak Inn 1840s. It once served as CBC Bank until the bank was built across the street in 1902.

**9** St Paul's Church of England 1845. Its graveyard contains many notable families and veterans of the Napoleonic Wars. Adjacent is the Sunday School Hall 1896.

**10** Paterson School of Arts 1935, ever popular hall for community functions and in early days was the venue for movies and billiards.

**11** Paterson Post Office 1885, also served as the Telegraph Office, telegraph arriving in 1874.

**12** Paterson Country Cafe has long been a focal point of Paterson. Earlier it was a tailor's, boot maker's and general store. Paterson Service Station has added a cafe and gift shop to its business in recent years.

**13** Paterson Court House Hotel 1876. It began in 1864 as the Cricketers Arms down on the river flats and was rebuilt here after a flood in 1875. Next door is the former School of Arts Hall 1868, now a private residence.

**14** King's Wharf Park was developed and named in the late 1900s by the Rotary Club of Paterson. Government Wharf was a few metres downstream from the rail bridge. Sailing boats and steamships loaded and unloaded there from the 1830s to the 1950s. They were the lifeblood of the Paterson Valley, taking fruit, vegetables, hay, milk, cream and wine to market and bringing back household goods and commercial supplies such as beer for the hotels. Opposite the former Presbyterian Church 1840 is the former Paterson Bakehouse and Bakery. To the north is the commercial road area.

**15** Paterson Court House (now a rural museum) and Police Station built in 1858 and extended in 1863. Mary Ann Bug, the partner of notorious bushranger Captain Thunderbolt, was tried here for theft in 1867. Adjacent is the Police Station and residence from 1882.

**16** Former Paterson Primary School 1877, now a private residence.

**17** Church Street, No.10 is the former Oddfellows Hall 1865, now a private residence. No.12 c1864 was a boarding house, then store, private residence and first office of Tocal College. Behind is an air raid shelter constructed during WW1 for school children in case of enemy attack on the railway bridge. To the south is St Columba Catholic Church 1884.

**PATERSON HISTORICAL SOCIETY INC.**  
 Court House Museum

## Welcome to PATERSON

New South Wales

Paterson Court House Museum

Nestled on the banks of the Paterson River, the historic village of Paterson invites you to step back in time. These banks were originally blanketed in a cedar forest and the region was the ancestral home of the Wonnarua, Gringai and Worimi people for thousands of years. From 1804 convict gangs cut cedar logs from here and floated them downriver to Newcastle. Permanent European occupation began along the river in 1812 between Tocal and Woodville. The first land grant was in 1818 and the town of Paterson was surveyed and gazetted in 1833. European occupation quickly spread and Paterson became the centre of activity in the Paterson Valley. A further subdivision in 1840 formed the southern part of the village and in 1885 Paterson was proclaimed a town.

Paterson prospered as a district centre of law and river trade until the early 1900s when the railway and improved roads and motor transport brought increased competition from other centres. Today Paterson is again a vibrant town, the gateway to the upper Paterson and Williams Valleys and the Iarrington Tops.

Museum open  
Sundays 11 to 3

self-guided town walk  
free on your phone

**Paterson Historical Society**  
[www.patersonhistory.org.au](http://www.patersonhistory.org.au)

## Appendix 2

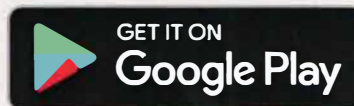


# Paterson Town Walk

a self-guided tour of the  
town's heritage treasures  
and points of interest

**free**  
**on your phone**

SCAN TO DOWNLOAD



Paterson Museum  
[www.patersonhistory.org.au](http://www.patersonhistory.org.au)

CYA on The Road  
[www.cyaontheroad.com](http://www.cyaontheroad.com)

### Appendix 3

#### **Publications about Paterson from the Historical Society**

Title	Retail
A Fortunate Liaison - Dr Adoniah Vallack and Jacky Jacky	40.00
A History of St Ann's Presbyterian Church Paterson	15.00
A Synopsis of the History of the Paterson River Valley	2.50
Aborigines in the Paterson Gresford Districts: Effects of Settlement	28.00
Brisbane Grove	25.00
Burials in St. Paul's Church Cemetery, Paterson - Part 1 from 1839 to 1900	35.00
Burials in St. Paul's Church Cemetery, Paterson - Part 2 from 1901 to 1986	30.00
Centenary of St. Columba's Catholic Church, Paterson 1884-1984	4.00
Charles Boydell 1808 - 1869 and Camyr Allyn, Allyn River, Gresford	33.00
Dawn Service	20.00
Dr Henry Lindeman and Cawarra, Gresford (Part 1)	45.00
European Settlement at Paterson River 1812 to 1822	20.00
Farming and Shipbuilding on the Paterson and Williams Rivers	15.00
George Boyle White 1802-1876	4.00
George Townshend 1798-1872 and Trevallyn, Paterson River	25.00
Glove Box Guide to the Paterson Valley	15.00
Gostwyck, Paterson 1823-2009	25.00
Heritage Photographs, series 1, Historic Paterson	16.00
Heritage Photographs, series 2, John Doidge Tucker	16.00
Heritage Photographs, series 3, Historic Paterson	16.00
Herman Montague Rucker Rupp — The Orchid Man of Paterson	15.00
History of St. Paul's Church Paterson N.S.W.	4.00
Innovation, Invention & Enterprise: History of Beekeeping Maitland	20.00
Iona-Duns Creek Bush Fire Brigade History	20.00
James Phillips and Bona Vista, Paterson River	8.00
John Eales of Duckenfield	45.00
John Herring Boughton of Tillimby, Paterson	8.00
John Powell - Orange Grove - The First Small Paterson Land Grant	24.00
Kalimna, Paterson	10.00
Lieutenant Commander Frederick Bedwell R.N. 1796 - 1853	5.00
Patch and Glennie of Orindinna, Gresford	45.00
Paterson Orange	20.00
Paterson People and Places - Gleanings from the Museum News No.1	5.00
Paterson, a Slice of Valley Life - Gleanings from the Museum News No.2	5.00
Paterson Public School - Centenary Celebrations 1875-1978	4.00
Personalities, Pragmatists and Visionaries - the Origins and Federation of Australia	5.00
Ploughs, Pubs and Paddle Steamers	20.00



Portraits of Paterson	25.00
Pte Arthur Ernest Keppie - His Diary, Letters and Postcards 1914-1915	7.00
Reverend John Jennings Smith: 1782-1846	15.00
Sacred Heart Church and Cemetery Summer Hill, Paterson Valley	10.00
Sailing Vessels on the Paterson River 1804-1912 (2nd edition)	20.00
Seven little churches of the Paterson Valley	20.00
Soldier/Farmer/Historian - an album of tributes to Henry Francis Boyle, OAM 1919-2005	15.00
Steamships on the Paterson River	20.00
The Australian Women's Land Army 1942-1945: Experiences of Mabs Keppie, Paterson	7.00
The Clements - Paterson Connection	8.00
The Dorothea Mackellar—My Country—Paterson Valley Connection	15.00
The First Fatal Election, Paterson 1843	7.00
The Magic Valley - the Paterson Valley then and now	35.00
The Parks of Paterson	12.00
The Paterson Lodge Banner - Its Origins and History	5.00
The Settlement of the Paterson District	10.00
The Settlers of Paterson's Plains	15.00
The Tinkler Family of Portnahinch	12.00
Toil and Trouble from Maitland to Moreton Bay - John Eales' Convicts	25.00
Vacy... One Hundred & Eighty Years of History	30.00
Where, oh where, is Wooger Vitnell?	7.00
William and Elizabeth Paterson - the Edge of Empire	35.00
William Munnings Arnold 1819-1875	8.00
Woodville Uncovered	25.00
Yarning with Noel - Conversations about Noel Jupp's life experiences	15.00