

Director Resource Assessments  
Planning and Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

PO Box 143  
Paterson  
NSW 2421  
Tel: 02 4938 8299

E: [coakes@iinet.net.au](mailto:coakes@iinet.net.au)

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Dear Sir,

**Martins Creek Quarry Expansion – Application No SSD-6612  
Submission of Objection to Development**

I am a resident of View Street, VACY and now provide a submission in support of my **objection** to the above project proposed by Buttai Gravel Pty Ltd (Daracon).

I have made no reportable political donations in the past two years.

**Points of Objection**

My personal objection is based on the impacts that I have experienced from noise, dust and vibration emanating from the quarry during the period of illegal operation from 2012 to 2019. My property is located approx 1.5km from the quarry and the revised EIS has not adequately dealt with these matters.

My objection is also based on the significant impact that the proposal, if approved, would have on the village and community of Paterson arising from excessive truck traffic. Notwithstanding apparent compliance with technical criteria for dust, noise and traffic, etc the social and amenity impacts are significant, and it is my view that the historic, culture and tourism nature of Paterson and surrounding areas should not be sacrificed for the benefit of a resource development that is not unique, as claimed by the proponent, and would lead to the decimation of the rural and village environment currently experienced by the community.

While the above identifies specific personal points of objection I also endorse the more detailed submission made by the Martins Creek Quarry Action Group that provides a very detailed critique of the revised EIS.

This facility has a long history dating back to the early 1900's as a railway ballast quarry and has been operated during the period up to the early 2000's without significant impact on the communities of Martins Creek, Paterson and surrounding settlements. The development, as now proposed, would be contrary to the very restrictions that were earlier put in place as a protection against social and environmental impacts identified as being key to the continuance of the social and rural amenity of the area.

**The 1991 Development Approval**

This approval set conditions of consent that were **designed to provide environmental and social protection** to local communities and in doing so restricted annual output of **predominantly railway ballast** to 300,000 tonnes per annum (tpa) with 70% of product to

be conveyed by rail and 30% by road, with a further restriction on road haulage being limited to 24 trucks per day. This is the baseline against which the current proposal should be assessed. A discussion on baselines is detailed further in this submission.

Extraction and haulage of material from the quarry from the early 2000's, originally by RailCorp and latterly by Daracon, has far exceeded the 1991 DA Consent Conditions in all respects and this is demonstrated by **Figure 4.1** in the revised EIS which consistently shows annual tonnage exceeding 500,000 tpa. peaking in 2013-2014 at 1.1 million tpa during Daracon's operation of the quarry.

## **Land and Environment Court of NSW**

The peak level of illegal operation in 2013-2014 set the scene for the action taken by Dungog Shire Council in the Land and Environment Court of NSW that ultimately led to the judgement handed down by Justice Molesworth in September 2019 to cease illegal operation and close the quarry.

## **Daracon**

Since 2012, Daracon has operated the quarry **illegally** and without any regard to their corporate responsibility and concern for the impacts imposed by them on the communities of Martins Creek, Paterson and surrounding settlements arising from quarry operations and transportation of product. Their operation has included extraction of rock in un-approved areas of the quarry site, and significant levels of truck traffic, at times up to 600 trucks per day, transporting product through Paterson and other settlements on the haulage route. The impacts imposed have resulted from the use of **33 tonne truck and dog units** generating, noise, dust, high frequency traffic, road and pedestrian safety issues, parking difficulties and social and amenity impacts in Paterson and on roads and through settlements which are in the main rural in nature and level of infrastructure.

Daracon's performance as a responsible operator has always been in question and was ably demonstrated by the Managing Director at a public meeting in Paterson in 2013, when he responded to a member of the community that "*if you don't like it then move house*". Their delay and frustration tactics during the protracted court case and their refusal to engage in meaningful consultation prior to and during the original EIS preparation process further confirmed their approach to give no credence to the rule of law or proper process.

They are not a responsible or trustworthy operator and, on that basis alone, there must be considerable doubt about their willingness to be constrained by any conditions that may be imposed if the project should be approved.

## **EIS Review**

In the submission made by the Martins Creek Quarry Action Group (MAQAG) various expert reviews of certain sections of the revised EIS are appended and they identify inadequacies and miss-information provided by the proponent. Whilst I wholly support the submission by MCQAG, being a member of that group, my comments below are on some sections of the revised EIS that I consider to be deficient, misleading or a misrepresentation of the facts. Please note that I have not attached to this letter the various documents appended to the MCQAG submission.

In the NSW Planning & Environment letter dated 2 December 2016 the proponent was advised of significant deficiencies in the original EIS and required the proponent to address matters that were contained in the Attachment to that letter.

My more general concerns and issues are as discussed below and relate principally to the **SIA Appendix O**. Whilst I understand that the MCQAG response deals with specific technical matters my emphasis is on impacts that are imposed on the community and affect the amenity of what is in essence a **wholly rural environment**. I contend that showing compliance with technical parameters is of little importance when weighed against the less tangible and measurable impacts on the community. In this regard, I reference the concept of **Precautionary Principle as defined by Justice Preston** whereby he contended that it is *“triggered by the satisfaction of two conditions precedent: scientific uncertainty as to the nature and scope of the threat of environmental damage”*. The ticking of technical boxes to show compliance does not meet this criteria.

## Consultation

Proper consultation processes were identified as a prime deficiency in the original EIS, and the lack of a comprehensive Social Impact Assessment (SIA) was one of the key comments. Subsequent advice was provided to the proponent to the effect that the **NSW Social Impact Assessment Guideline 2017** were to be adopted in the revised EIS. This document specifically highlights methods of consultation, typical social impacts, cumulative impacts, understanding areas of social influence and other parameters that are likely to cause community stress.

In their revised consultation process the proponent adopted Collaborative Assessment Forums (CAF) in addition to one-on-one interview methods of engagement. CAF's were conducted for noise, dust, traffic, and social impact assessment (SIA) over a period of about 6 months during 2020/2021 but interaction with attendees was in the main one of **information provision only, was far from “collaborative”** and little engagement or response to concerns was forthcoming. While these forums were facilitated by the consultant acting for the proponent, they did not confirm or clarify any intention to deal with the matters raised by attendees. While feedback to these forums was repeatedly requested, it was only provided days before the submission of the revised EIS. The accuracy of such feedback is also in question.

The consultant also adopted an internet-based forum, “Social Pinpoint”, as a means of reaching out to stakeholders, however such a process disenfranchised those members of the community, of which there are many, lacking computer access or skills.

## Baselines

Throughout the revised EIS, comparison is made between the original EIS and the current (revised) EIS document. Specifically, tables and figures show a comparison between the original EIS represented by 1.5 million tpa and the current revised EIS represented by 1.1 million tpa and purport to show this as an improvement in impacts e.g. truck movements etc. This is not a true comparison.

The original proposal for 1.5 million tpa **was never approved**. The revised proposal for 1.1 million tpa is representative of the road haulage of product at the **peak level of illegal operation in 2013**.

The only true baseline for comparison purposes is the 1991 DA referred to earlier. Consequently, the comparison should be between 300,000 tpa and 1.1 million tpa, as now proposed, and the differences in tonnage, truck and rail traffic are demonstrated by the table below.

**Table of comparisons – 1991 DA Baseline against Project Proposal**

<b>Component</b>	<b>1991 DA</b>	<b>Project Proposal</b>	<b>Increase (times)</b>
Annual tonnage (tpa)	300,000	1,100,000	3.33
Tonnage by road (tpa)	90,000	500,000	5.55
Tonnage by rail (tpa)	210,000	600,000	2.85
Peak day trucks (no)	24	280	11.66
Peak hour trucks (no)	2.4	40	16.66

1991 DA tonnages reflect the road/rail components (30/70%)

It is worth repeating, as discussed earlier, that if the 1991 DA was designed to provide environmental and social protection in 1991 it must surely also be a pre-requisite of any approval that may be granted in 2021, even after making some allowance for incremental increases in parameters over the intervening period.

An increase in peak day traffic of **11.66 times** can hardly be within the limits of an incremental increase expected over the interim period from 1991. Similarly, a peak hour traffic increase of the magnitude shown in the table above must also be regarded as totally unsustainable.

The NSW Planning and Environment letter referred to above specifically required baselines to be addressed. Clearly that has not been a matter of attention in the revised EIS where the emphasis is on the so called “improvement” in reducing annual tonnage from 1.5 million tpa to 1.1 million tpa.

## **Social Impact Assessment (SIA)**

The SIA component of the revised EIS whilst comprehensive in providing area and regional data, fails to adequately address the social and amenity issues that would be imposed on Martins Creek, Paterson and other settlements on the haulage route if the project is approved.

The technical studies undertaken apparently show compliance with appropriate criteria, but the key concern is not adequately addressed – **how can the social and amenity impacts**

**caused by quarry operations and product transportation be managed in a wholly rural setting.**

Reference to **Figures 6.1, 6.2 and 6.3 and Table 6.1** in the revised EIS highlight the frequency of issues and levels of concern and, in **Section 7 Assessment, Figure 7.1 Social Impact Category and Table 7.1 Social Risk Matrix** indicate an impact assessment of **high to extreme**. Similarly, in **Table 7.7 Predicted Social Impact – Social Amenity**, all impacts are assessed as high with few exceptions.

Health and wellbeing were also key factors in the assessment process and were consistently highlighted by community members in response to the consultation process.

Notwithstanding the apparent technical compliance for dust, noise traffic etc the social and amenity impacts are so high that, **by this assessment alone the project fails.**

Culture, Heritage and Tourism receive scant attention in the revised EIS. The importance of Paterson as a historic settlement and the gateway to the Paterson/Allyn River Valley and Barrington tourism precinct is only briefly referred to in data as a contributor to the Dungog LGA.

In all aspects of concern expressed by the community, responses have been consistently negative and show a high level of distrust in the operator, Daracon. This has been the norm since the excessive truck traffic impacts experienced since 2013 and the community's negative responses are consistently and constantly documented throughout the SIA section of the revised EIS.

## **Economic Assessment**

Local business and service providers indicated their concerns and a MCQAG Business Survey clearly identified the impacts that truck traffic specifically would have on their future viability. A quote in **Section 6.14** summarises the impact as follows:

*“Each business and service provider surveyed... did have economic concerns, particularly associated with livelihood impacts and effects of traffic on their continued trade.”*

**Section 6.10 Economic** deals with impacts on livelihood and employment but provides no indication of real local employment opportunities arising from the operation of the quarry. Indeed, the proponent can only show that one local person is employed at the quarry but also claims that many are employed within a 40km radius. Hardly an endorsement for the continuation of the quarry on local employment terms.

## **Martins Creek Quarry Action Group (MCQAG)**

**Section 6.13.1 MCQAG** records the interaction between MCQAG, Daracon and their consultant Umwelt. Specifically, it records the lack of a meaningful dialog and consultation, and the failure to consult transparently on a share of information basis.

The position of MCQAG is summed up as follows:

*“MCQAG member concerns centre around the incompatibility of the quarry with existing surrounding land values, uses and the impacts on social amenity that are already being experienced by residents surrounding the quarry site and along the transport route with these impacts expected to be exacerbated due to the proposed scale of operations. The group is concerned that the scale of the quarry’s operations and associated heavy vehicle movements have already resulted in impacts on the existing pleasantness of rural outdoor life, connectedness, sense of belonging, social fabric, activity centre and the existing village function are severely impacted upon by the scale of onsite operations and the scale of off-site transport by many hundreds of heavy vehicle movements along the haulage routes.*

*The fact that the community has already lived with impacts on their amenity has meant that noted issues of concern are not perceptions of potential impacts but are based on the reality that they have been experiencing over the life of the quarry or ‘lived experience.’”*

*The group has identified that it is not advocating for cessation of the quarrying operations but a situation where both the quarry and those residing in proximity to the quarry and along its haulage route can continue to co-exist with the restoration of rural amenity and amelioration of impacts that recent operations and the proposal will and have had.*

## **Rail Haulage of Product**

Martins Creek Quarry has the benefit of a rail spur that provides the opportunity to haul quarry product by rail and thereby avoiding/minimising the environmental and social impacts on local communities associated with the haulage of product by road. The very concept demonstrated by and contained in the 1991 DA Consent.

In the original EIS, rail haulage was reported as being impractical and un-economic. In the revised EIS it **has suddenly become a viable proposition** and the proponent now proposes to utilise this facility at the rate of up to 600,000 tpa. However, the qualification is made that this will not occur until year 4 and be subject to market demand. This suggests that it lacks commitment and is a “clayton’s” and transparent proposition and that will almost certainly be found, yet again, impractical, and un-economic. This will no doubt lead to a subsequent request to increase road haulage above the proposed 500,000 tpa level.

This component of the proposal requires careful assessment if the project should be approved because it potentially will lead to a request for an ever greater level of road haulage and its consequent impacts on social and rural amenity.

## **Truck Traffic**

As discussed earlier, this proposal is predominantly based on the transportation of product by road requiring up to 280 trucks per day and at a peak hour rate of 40 trucks per hour. This represents one truck every 90 seconds through a rural village (Paterson) where a rail crossing, tight 90deg bend and dog leg provide insurmountable vehicle and pedestrian safety hazards for the local community.

In addition, noise, dust and diesel engine emissions will add to the general health hazard experienced by community members engaging in their daily tasks of accessing local

commercial facilities (Post office, Service station, Country café, CBC B&B, Pharmacy, Doctor and Court House Hotel) in the immediate vicinity of the junction of Gresford Road, Queen Street and Duke Street. An examination of the traffic/pedestrian mobility patterns at this location has not been addressed in the revised EIS and the only attention paid to this “**pinch point,**” where 70% of traffic/pedestrian community interaction takes place, is to propose a central reservation and the removal of essential on-road parking spaces.

Pedestrian safety is further exacerbated at peak times by the absence of any proposal to adopt diurnal variation of truck traffic flow at times of conflict e.g. school bus pick up and drop off. The only relaxation in this regard seems to be to accommodate funerals! Interestingly, the Brandy Hill quarry, recently approved, is subject to traffic flow variations depending upon time of day yet has no impact on a village type environment, such as described for Paterson.

The haul route is some 23kms long on minor rural roads before joining an arterial road at East Maitland. Other quarries in the lower Hunter Region have access to arterial roads and yet in some cases their access is restricted on a diurnal basis. It seems that the proponent is not willing to modify his operations to meet obvious conflicts.

A specific matter addressed in the Dept of Planning response to the original EIS was the cumulative affect of truck traffic arising from the confluence of trucks from Martins Creek and Brandy Hill quarries. This occurs at Paterson Road, Bolwarra and continues along Flat Road and Melbourne Street, East Maitland. The proposal provides no information on this important impact that will affect the settlement of Bolwarra and Melbourne Street, East Maitland, the latter location being a busy commercial centre where the cumulative impact is understood to exceed one truck per minute.

## **Accommodation Works**

The proponent indicates an intention to undertake certain accommodation works but the timing of these facilities seems to be rather protracted e.g. year 4 to construct the extended rail siding to enable transportation of product by rail “subject to market demand”, year 4 to construct the alternative quarry access road requiring a bridge over the north coast railway line. Additionally, in-quarry noise and dust abatement facilities are also not to be undertaken before quarry operations recommence. This delay in providing accommodation works prior to operation suggests a lack of commitment.

## **Summary**

In the summary to my response to the EIS of 2016 I identified several matters that required serious examination before any approval to expand the Martins Creek Quarry be granted. While the current revised EIS has vastly improved the documentation and data provided and specifically shown a real improvement in the assessment of Social and Amenity issues there are still deficiencies that need to be remedied.

The very essence of this proposal revolves around truck traffic and the real impacts it imposes on the community. It remains to be demonstrated **what level of truck traffic can be sustained in a rural setting**, having regard to the significant interaction between traffic and pedestrians in Paterson in particular, but also through settlements on the haul route. The proponent has failed to address this critical component. **A peak of 280 trucks per day, 40**

**trucks per hour and 31,000 trucks per year for 25 years is not a sustainable development.**

I remain of the view that this operator is not reliable or trustworthy, its commitment to improvements in operation is in some doubt and that any conditions imposed in the approval of the project would be ignored in any conflict with the commercial benefits to the proponent. The past illegal operation of this facility by Daracon provides a clear indication of what can be expected in the future if the project is approved.

I have never advocated for the closure of the quarry, but until a sustainable level of operation can be demonstrated I object to the granting of an approval on the basis of the revised EIS.

Yours faithfully,

Owen Coakes