

Name and ref -

**Deep Creek Quarry (DCQ) SSD 1159/1659**

being Lot 48 in DP 753178 and Lot 472 in DP 1162208

**Conclusion**

- I object to the granting of approval for SSD 1159/1659,
- I object to the granting of approval for SSD 1159/1659 in its present form.
- I suggest that we can now hold a open public consultation meeting with live questions and answers.

**Introduction**

The proposed site is classified as RU2 and hence is able to be a apply for consent to operate a quarry.

**Comment**

This proposal is done under SSD and is a large scale extractive industry. At one point Mara refereed to this proposal as a “facility” and small scale.

**Zone**

From EIS

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)

2007 “*Clause 7: Enables quarries to be permissible with consent on any land to which agriculture or industry may be carried out. Section 5*”.

Indeed this land is classified as such.

The development must comply with the requirements of the Environmental Planning and Assessment Regulation 2000 (mainly in Clauses 6 and 7 of Schedule 2)

This area surrounding the subject site would not be considered industrial. Therefore under the agricultural, primary production view it is possible to have a quarry approved. This is the case throughout NSW but most of these are small scale to extract material for local road and infrastructure works. DCQ is a large scale extractive business. It is questionable as to whether this propose development would meet the intention of what was envisaged when the legislation was drafted.

**Zone RU2 Rural Landscape - Definition**

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture. Home business without approval. Extractive industry with consent.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

Therefore the use is overwhelmingly biased towards primary production and associated activities. These days tourism is playing an increasing role as adjunct business. Several people selected the area around the Limburners/Alworth area because tourism business was allowable under present zoning. Yes a small quarry was a possibility but none envisaged a large scale extractive business. This current application fails on size and scope.

From FAQ on DCQ *“What is the land use zoning of the site? The site is zoned RU2 – Rural Landscape under the Great Lakes Local Environmental Plan 2014. RU2 aims to encourage*

*sustainable primary industry production by maintaining and enhancing the natural resource base.*

*Extensive agriculture (for example crop production or livestock grazing) and home occupations (an occupation carried out in the home by the resident/s) are permitted without consent, while extractive industries are permitted with consent”.*

Here Mara have been selective in the provision of information and quoted 2 out of the 5 land uses. The land use that incorporates “maintaining and enhancing the natural resource base” is primary production farming grazing etc that works in proper land management and improves the land and surrounds. This proposal does the opposite, it takes away the natural resource base as the flora and fauna would and have started to return. Natural resource base for clarity is not the minerals in the ground and then digging them up in a large scale extractive industry.

It has never been disputed that extractive industry is allowed with consent, hence the current SSD. I do however dispute that this clause means large scale extractive industries as are being applied for under SSD 1159/1659. The fact that this is being applied for under a SSD means that it is a large scale extractive industry. Quarry's that are small operations are and can be approved by the LGA.

from MCC draft Rural Strategy

*“page 10*

*Vision for Rural Areas The future we envision for our waterways, rural and environmental lands may echo other State, regional and community statements but significantly, it reflects the optimism of the people who live and work in these unique areas of the MidCoast: The vision for rural areas in the MidCoast will be realised by working towards four Goals: 1. Protect natural landscapes; 2. Sustain primary production opportunities; 3. Enhance rural lifestyles and livelihoods; and 4. Improve planning and plan-making in practice. These goals reflect State, regional and local visions for the Mid-Coast local government area: MidCoast Regional Economic Development Strategy 2018–2022 vision statement: The MidCoast Region will have sustainable economic growth, founded on the Region’s natural assets, amenity and location, while offering a healthy lifestyle and community connection*

*Page 20 - 21*

*Scenic Landscapes*

*All former Councils also had scenic protection zones applying through environmental planning instruments prior to the conversion to the Standard Instrument LEP. Current and endorsed scenic landscape studies are out of date and cannot provide a basis for clear and consistent mapping of these areas across the MidCoast and incorporation into strategic planning and development assessment processes. A study identifying the scenic qualities and visual assessment criteria is recommended, to provide a basis for clear and consistent mapping of these areas across the MidCoast and incorporation into strategic planning and development assessment processes. Throughout the MidCoast environmentally zoned areas are characterised by their proximity to national parks, state forests and other significant environmental features, including significant waterbodies. The significance of these areas and potential recognition of “foreshores” and “riverfronts” as environmentally sensitive areas must be considered, given local environmental plans and the Exempt &*

*Complying Development SEPP, currently exclude complying development within these scenic and visually significant locations”.*

This proposal does not fit the current planning approach being taken in lifestyle rural properties. Further this proposal will remove or reduce natural assets. The saw mill area with proper land management will revitalise and be an enhancement to the natural assets.

### **Dust**

The report talks about meeting the NSW air quality standard. This maybe the case but it is a particulate size etc that matter.. Maybe NSW needs to review this minimum requirement as this standard is not universally accepted. The Silica coverage at FAQ is set about the employees protection, no comment is made in regards to “near” neighbours.

The people of Limeburners Creek are already impacted by dust from the operating quarries at Karuah. These being some 10Km from this locale. There has been no comfort provided by the proponent that this proposed quarry will not exacerbate the problem. The process to approve the Karuah quarries would have been via a rigorous DPIE/EPA process. The operators seem to not be adhering or was the dust study incorrect?

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

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People’s way of life (how they live, work, play and interact with one another on a day to-day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities). .

There are anticipated adverse social impacts as a result of the proposed development. The proposed development will involve an increased risk to public safety and will threaten the existing sense of community, identity or cohesiveness. The proposal will threaten the reason people purchased land in this area. This include blocks acquired from the Woodbury family without knowledge (or disclosure) of this proposed mine. This proposal fly's in the face of beliefs and values of the people who have come to live in this rural area.

From the SEAR's

*“ - how the development might affect people’s way of life, community, access to and use of infrastructure, services and facilities, culture, health and wellbeing, surroundings, personal and property rights, decision-making systems, and fears and aspirations”;*

Yes it will. The mitigation of some \$ for the community does not reduce the affect of this large scale extractive business. This proposal significantly alters the locality.

Local Elders comment. I await their input.

MidCoast Council end of term report – tabled November 2021

*“Our community vision We strive to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value.*

*Our community values*

- *Our unique, diverse and culturally rich communities*
- *A connected community*
- *Our environment*

- *Our thriving and growing economy*
- *Strong leadership and shared vision*

*On page 17*

*The community is satisfied with land use planning decisions Results from Community Satisfaction Survey, February 2020*

- *57% satisfied that there is sufficient choice of housing types ie apartments, town houses etc.*
- *40% satisfied that new development is helping to provide an attractive urban landscape”.*

Sure this survey must have been limited in scope but it does indicate that the community is not supportive of the way or the approval of land use is being done in the MCC LGA. This proposal could further fracture communities. Especially if this proposal was approved and leads to more large scale extractive industry, most of which the LGA would be powerless to stop.

This proposal is out of step with the publically stated aims and objectives of the MCC have told their ratepayers.

### **Tourism**

From the MCC end of term report page 24

*“Destination branding - Barrington Coast In August 2018 MidCoast Council endorsed the new destination brand name of Barrington Coast . Our destination name is inspired by an Aboriginal description of our region - “the place where the leaves touch the waters from the mountains to the sea.” Our new destination name also leverages the best -known attributes of the region - its spectacular and popular coastline and the world heritage -listed plateau of Barrington Tops. Barrington Coast offers the ability to connect and bring to life the stories of all the places within a diverse and vibrant region”.*

This quarry sits on the Buckets Way the major access road from the southern areas to the Barrington Tops. These type of developments detract from the regions tourism and hence contrary to the vision of the community of MCC. This quarry will affect a number of tourism operators in close proximity (see comments on the “consultation” carried out).

### **Water**

The health of the Karuah River has been rated as fair for the last 3 years (2018 to 2020) as disclosed in a joint DPIE and MCC report. Deep Creek flows into the Karuah River and is part of the protected Port Stephens Marine Park. This development has the potential if strict guidelines and enforcement are not adhered to, impact on this protected zone. The proponent, through other entities, has a poor environmental record at other developments/projects currently operating. This is easy for DPIE to check. Plus communications with affected people at these other sites has been handled in an unusual manner. A monitor should be put on the Deep Creek and readings be taken regularly. This should be on a user pays basis.

Most/all potable water in this locality is tank collected rain water. SU4 Page 52 ignore looking at the issues associated with the dust settle onto catch area of tanks. How is the proponent going to address or measure this issue. Locals are all ready receiving dust from the Karuah quarry operations.

### **Works on subject land currently being undertaken**

Subdivision of land from lot 559 and Lot 48 for the access road off Buckets Way . When was the DA lodged for this subdivision? What is the size of the subdivided land? If the application has not been lodged then how is the work on a extractive industry access/haul road from Buckets Way, been allowed to commence?

From Mara SIA report page 37

*"It is considered that the road pavements on the existing haulage route from the quarry to the arterial road network are satisfactory. The haulage route appears to be constructed of a suitable pavement for use by heavy vehicles given the existing condition of the road network and its current use by heavy vehicles".*

The subject land has had "preliminary" works done. This appears to be in spite of the planning permission not yet granted. This seems to have happened over many years or at least since Ironstone Developments Pty Ltd involvement or if and when acquired this land. DPIE have access to the photo data.

### **Baseline measurements**

I am unable to find where the direct contact with the neighbours has been carried out in official form. A baseline measurement must be made available to residences within the catchment area. Then a further assessment at a set reasonable time from date of opening. From then on if a complaint is lodged. This is to be at proponents/operators cost.

### **Facts**

There are factual errors in the reports, some major some minor.

The Junction and Cooks Hill are not in the stated study area.

Inconsistency within the various documents.

Mara at one stage refer to this proposal as **small scale development!**

### **Hours of Operation**

The hours of this business are excessive in a rural/agricultural area. The hours for truck loading and hence heavy vehicle freight movements of 6AM to 6PM is unacceptable. This is a quiet life style living area.

Therefore the movements especially in early morning are more noticeable due to atmospheric conditions. For most of the year these early and late times will coincide with movements of native animals.

### **Monitoring (if approved)**

Add a condition(s) to approval;

a) that the MCC Senior Ecologist be granted continuous access to the subject site. This is vital before a "sod" is turned. Then during the clearing, access road construction and quarry establishment. The MCC officer should be involved in how the proponent is saving the overburden for future and ongoing rehabilitation. The MCC officer needs to be continually involved in the ongoing management of this site. This involvement by MCC should be on a cost recovery basis. This is on top of the inspection rights of the State Government agencies.

b) more rigid overall monitoring and inspections on this site. The proponents group has shown scant regard to environment management.

Using a 2014 (GLLEP 2014) planning process does not take into account the declaration of a climate emergency by MCC in October 2019.

### **History**

The Woodburry's have had a land holding in and around this subject site for many years. This disclosure and the timeline and development approval within the then Great Lakes Council should be covered. Yes Mara do state that the subject land has approval for 8 lots subdivision and hence the question. It was stated that the developer found this deposit when carrying out site works for the subdivision. I cannot dispute this but they failed to point out that previous attempt was made to carry out an extractive industry on or near this current subject site. I can't now recall the name

of the product found then.

### **General**

When I have been driving on the Pacific Hwy I have observed at various times and roads truck and trailer trying to enter the Hwy from side roads. Maybe the experts could talk to the “truckies” for the current actual situation.

The world has dramatically changed since 2016 when most these reports did draw on. Sure the 2020 census may not be fully available. We have enough indicative information as the the move to regional areas throughout Oz. Many of these movers are looking towards settling in these “rural lifestyle” community's. LGA's have recent data of movements and demographics.

The South Karuah Quarry SSD asking for an approval to extract about 500,000 tonnes per annum is in determination stage at DPIE

### **Suggestion for consideration by DPIE**

1 Covid 19 restrictions were eased on 15 December in NSW.

2 We can now have a proper true community consultation. The participants in this consultation meeting now have full statutory information in regard to the proposed quarry. Thus the community would see the MidCoast Council submission as they are also representing ratepayers. MCC council officer could even attend. This is suggested as the approach by the proponent to the “locals” and the consultation process leave a lot to be desired.

3 Of course a full catchment notification would be conducted. There have been recent sales in the area and these people may wish to participate.

4 The local Hall would be available.

5 Of course there would be an independent facilitator/chairperson to run this in a true facilitator role. Of course a minute taker.

6 Representative(s) of the landowner and the proposed developer of the subject site would need to be present.

7 That a baseline be established with a sate of current structural condition of residential dwelling. The level of dust currently at each residence. The level of noise currently at each residence. etc

8 Take into account that the state government is currently conducting an internal review on the offset credit scheme operating.

Regards

Rusty

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