


Hilldale, NSW 2420

18th December, 2016

Mr. Thomas Watt

Senior Planning Officer

Department of Planning and Environmental

GPO Box 39

SYDNEY 2001

Dear Mr. Watt,

Re:Submission for Martins Creek Quarry – SSD-14-6612

I refer to my earlier submission in which I reserved the right to make a further or supplementary submission on my return from abroad. I now make that further submission but before doing so, I declare that I have not made any donation or contribution to any political party in relation to this or any other matter. I do not want my name published or made available publicly.

Thanks,



cc Member for Upper Hunter

SUBMISSION

As I observed in my earlier submission, I take issue with much of the EIS but the following are some of the more salient issues.

I make the following comments, observations, suggestions and objections.

- **“EXECUTIVE SUMMARY” (p6)**

- “Need for Proposal” (p9)

The proponent states that “these (quarry product) resources are limited in the Hunter region” and that the Martins Creek Quarry is of “significant importance”. Nevertheless, other quarries in the region have ample capacity to provide similar resources. For example, there are major quarries in the areas including Seaham, Karuah, Teralba and Allendale most of which are sited near major Highways with little or no impact on urban/residential areas. Of all the quarries in the area, Martins Creek has by far the greatest impact on public/community amenity.

- “Option Analysis” (p10)

These options are not exhaustive. The current litigation instigated by Dungog Shire Council should be allowed to run its course. After its finalisation, a combination of options 1 & 2 is the desired option.

“EIS Process” (p11)

The proponent alleges that it “undertook” extensive consultation with relevant stakeholders and established the Martins Creek Quarry Community Consultative Committee (MCQCCC). I understand that the MCQCCC was not consultative but merely a pretence and charade. Moreover, to my knowledge little consultation was taken with individuals who were affected by quarry operations. Businesses and property owners along or near the haul routes were not consulted nor were property owners/occupiers near or adjacent to the quarry itself.

“Consultation” (p12)

Of all the entities mentioned there was no consultation with the Martins Creek Quarry Action Group (MCQAG) which was specifically created/incorporated in response to the quarry expansion issues.

“Justification” (p13)

The last 2 dot points are wrong or misleading.

“Limiting operations will significantly impact on the supply of quarry materials in the central coast and Sydney regions.....”

This is not borne out or justified even by the proponents own data. Very little quarry product from MC goes to the Central Coast or Sydney (about 3% only).

The proponent is loath to mention that there are a number of quarries in the Hunter area quite capable of satisfying demand with less environmental impact. It is worth noting though that the proponent in Annexure O (p63) states that: *“The Lower Hunter Region is supplied by five hard rock quarries considered to have the capacity to service the demand placed by the construction industry with high strength aggregates for the production of concrete/asphalt and high quality base and subbase materials for RMS applications.”*

“3. STRATEGIC NEED AND CONTEXT” (p29)

As mentioned above, MC quarry is not the only supplier of quarry product in the area. Although some alternative suppliers of product may be vertically

integrated they nevertheless compete with MC quarry product. There is no evidence given to justify or support the statement that *“Limiting operations will impact significantly on the supply of quarry materials in the Central Coast and Sydney regions, and, in particular, the Hunter region”*. Such a statement is misleading and wrong.

“4. ALTERNATIVES” (p30)

‘4.1 Feasible Alternatives’

As previously noted in “Option Analysis” the 3 'options' are not exhaustive. However, option 1 is the preferred option with its approval extending to the other lots in the quarry. That is, the extraction rate, truck and rail requirements would still apply but to the larger area.

‘4.2 Design Options – 4.4 Increased Rail Haulage’

The rail option is not properly explored. Essentially it (appendix D) is not considering the larger issues. Obviously, it is easier and far less expensive for Daracon to maintain the status quo. The cost of road transport from the quarry is not a cost to Daracon but it is borne by the community in the form of damaged roads, bridges and private property and also much depreciated property values to say nothing of the huge loss of amenity by the wider community.

Daracon (understandably) does not want to outlay capital expenditure on rail infrastructure when truck/road haulage is cost negative. However, maintaining the status quo is not a true indication of cost; it does not factor in the cost to the public purse and the large community and environmental costs.

‘4.5 Anticipated Market Requirements’

Even though the state budget might identify infrastructure projects in the Hunter, it does not follow that Daracon will necessarily win the contract nor

should it assume that MC quarry is the sole source of quarry product for projects.

There is no justification or evidence to support the statements that these infrastructure projects *'will likely increase demand.....in excess of the volume.....currently available'*. This "silly" statement is followed by a seemingly contradictory statement:

"that the 'lower Hunter region' has five hard rock quarries considered to have the capacity to survive the demand for production of concrete/asphalt and high quality base and subbase materials for RMS applications".

Moreover, the justification for increased quarry extraction is flawed and misleading as infrastructure projects in Sydney and elsewhere in the state can and will be sourced from quarries closer to those projects.

Interestingly the 2016 annual report of Boral Limited notes at (P12) in relation to its many quarrying operations: - *"External sales in NSW continue to be impacted by an abundance of excavated materials from tunnel projects in the market"*

'4.6 Conclusion'

Daracon has not demonstrated that rail haulage is not a viable alternative to road haulage. No consideration has been given to Daracon establishing a dump and pug mill at a transport hub on land near major/arterial roads which could then be supplied by rail from Martins Creek. This is a solution to many of the issues involved and should be seriously considered by the consent authority.

Daracon is expecting to extend the operating hours for rail loading at MC but fails to show why it currently does not use daylight hours for rail loading. Obviously, road haulage is the cheapest option for Daracon but at the expense of the public, the environment and the public purse.

'5.5 REHABILITATION'(p44)

The EIS contains an extensive number of measures for rehabilitation both during the life of the quarry and (importantly) afterwards. The measures optimistically suggest that the rehabilitated site could ultimately be used for activities such as stock grazing and and/or an outdoor adventure park.

However, the question is how will this be achieved or come to fruition when the following matters are taken into account.

- 1.The various lots comprising the quarry land is not owned by Buttai gravel (Daracon) but by Noel Mitchell and a company which he controls (Nodekeda Pty. Limited). The land is leased to Hunter Industrial Rental Equipment Pty. Limited (Hire P/L) (a Daracon company). Hire P/L then (presumably) sub-leases the land to Buttai Gravel Pty. Ltd (another Daracon company). Daracon is in effect a sub-lessee of Hire P/L (the head lessee-see EIS par 2.4). The lease of the quarry land is made by 2 near identical leases.

- 2.Clause 28 of both leases reserve the right of the Lessor (Mitchell and Nodekeda) to *'use the land for storage of non-putrescible waste on completion of quarrying activities by the lessee'*. Interestingly the EIS has not mentioned this!!!

- 3.Whilst Clause 25 of both leases contain some provisions requiring the lessor (Hire P/L) to remedy any contamination there is no requirement to rehabilitate the land as proposed in the EIS.

- 4.Consequently the lessee (Hire P/L) cannot lawfully carry out the rehabilitation works as proposed in the EIS as it would conflict with the Lessor's right under cl. 28. As a result Buttai Gravel/Daracon cannot carry out the proposed rehabilitation works.

- 5.Further, on expiry (or early termination) of the lease the Lessor (Hire P/L) will have no legal right to enter (or remain on) the land to carry out the proposed rehabilitation works, or maintain any rehabilitation works

that may already have been carried out. Again this would extend to Buttai Gravel/Daracon.

6. Apart from the above difficulties there is no practical sanction to ensure that the rehabilitation works will be carried out as proposed by the EIS. The EIS does not mention or offer guarantee, surety or security. This is vitally important so remedial work can be undertaken at Daracon's cost should it fail to fulfil its EIS obligations. Obviously the security would need to be a considerable amount and be held in escrow or by bank guarantee, etc.

"7 CONSULTATION" (p66)

There is no reference to the effects of blasting. Residents near the quarry suffer from these effects and yet there is little monitoring or consultation with nearby residents. The few monitors that are in existence have been placed in positions which do not properly record the effects of blasting.

' 8.2 TRAFFIC AND ACCESS (p82)

The proponent has made a commitment that it can't implement or fulfil. The proponent has indicated that *"as part of the quarry expansion" the New England Highway will be accessed via Flat Rd and Melbourne St, rather than Belmore Rd, Lorn. The route through Lorn will only be used to suit the local markets in Maitland."*

The reality is that the majority of trucks to and from the quarry are operated by independent contractors who are not under the direction and control of Daracon. They are individual operators/contractors who will take whatever route suits them. Should Daracon attempt to coerce such contractors into complying with its directions it will probably be in breach of trade practice legislation.

The lack of meaningful information of the cumulative effect of the expansion of both Brandy Hill and MC quarries should not be accepted. This issue is of vital importance to any proper assessment of the proposal.

Despite the importance of this section/topic, there is little comfort for residents on or near haul routes. The problems faced by many are not ameliorated but are, in fact, exacerbated.

Lorn residents cannot gain comfort from the proposals put by Daracon as it cannot control routes taken by haulage operators.

‘8.8 European Heritage’ (p154)

The survey and report consider only the impact of the proposal on the area immediately near the quarry. It does not include, for example, Paterson Village, Vacy or the Gostwick Bridge.

Paterson Village was an early settlement in colonial NSW and contains a number of early and important buildings which suffer damage from the vibration of gravel trucks (full and empty) passing nearby. Moreover, the tranquillity of the village is disrupted by the constant rumble of gravel trucks. This deters people from visiting the village which in turn leads to economic loss.

Gostwick Bridge was built in the early 20th century. It is of timber construction which would have been sufficient for the traffic of its day. Now, however, it bares the weight (wear and tear) of almost all the trucks going to and from the quarry. The bridge is in a state of constant repair (the costs of which are paid from the public purse).

On those occasions when the Gostwick Bridge is closed for maintenance, traffic is diverted through Vacy Village. Again the report (EIS) makes no mention of this. And again the Vacy bridge is of much the same vintage as that at Gostwick. It too has suffered damage and deterioration.

The village of Lorn is not taken into account. It also contains many fine residences of historic significance that are on the haul route.

‘8.11 Social and Economic Impacts’(p173)

The social economic survey and report confines itself to the immediate areas of the quarry (viz, Martins Creek village). It does not consider the population of the wider, and more affected areas, (such as Paterson, Lorn, Vacy and others along the haul routes).

Interestingly, at p53 Annexure O the proponents' consultant, Monteth and Powy's notes:

"The Lower Hunter Region is supplied by five hard rock quarries considered to have the capacity to service the demand placed by the construction industry with high strength aggregates for the production of concrete/asphalt and high quality base and subbase materials for RMS applications. These being: • Daracon/Buttai Gravel, Martins Creek; • Boral Quarry, Seaham; • Hanson Quarry, Brandy Hill; • Hunter Quarry, Karuah; • Quarry Products Newcastle, Allandale."

This confirms that Martins Creek quarry is not critical to the supply of hard rock to the Hunter.

The impact assessment presupposed that the economic benefits stated will only flow from the proposed expansion of MC quarry. However, should the output from the quarry remain as originally approved by DSC (as it should) and in keeping with existing DA's then any shortfall in supply of product would be taken up by the other quarries in the area. The resultant increase in production from other quarries in the area would have a similar economic benefit as that forecast for MC.

Interestingly, very few of the employees at MC quarry actually live in the local area. Similarly, truck drivers and their depots are located outside the area (Daracon's base, for example, is 60km away at Wallsend). Despite the misleading EIS statements, there is little or no economic benefit to the local community.

'8.13 Cumulative Impact' (p186)

The cumulative impact of Brandy Hill quarry expansion is not addressed. It is not good enough for the proponent to exclude this very important issue from the EIS. An informed assessment can't be made.

As observed earlier, Daracon cannot control the route of trucks that are not under its direction and control. Most trucks entering and leaving the quarry are not operated by Daracon. Therefore, Daracon cannot guarantee that trucks will not access Belmore Rd, Lorn rather than Flat Rd.

The traffic section does not address the cumulative impact of traffic on haul routes, particularly the detriment suffered by nearby residents, nor does it acknowledge the social and economic cost to the residents and the community generally. Loss of social amenity and decreased property values are not addressed.

The proposed deviation of access to and from the quarry does not address the wider community issues. It merely solves the matter (to some extent) for the few residents of Station St, Martins Creek.

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