

21 November 2016

The Director,
Resource Assessments,
Department of Planning and Environment,
PO Box 39, Sydney NSW 2001.

Dear Mr. Reed,

Martins Creek Quarry Project (SSD 6612) (“the Project”)

We strongly object to this development on many grounds.

Voice of Wallalong and Woodville (VOWW) is an incorporated community association formed to express, in particular, the concerns of residents of the villages of Wallalong and Woodville and nearby villages including Seaham, Hinton and Morpeth to proposed developments that, if approved, would have an unacceptable adverse impact on the amenity of those people and their environs. Martins Creek Quarry (‘Quarry’) is one such development proposal.

ROAD and RAIL TRANSPORT and TRAFFIC GENERATION

1. The Project proposes to use a transport route for heavy vehicles generated by its development along

Paterson Road,
Butterwick Road,
Clarence Town Road,
Brandy Hill Drive, and
Seaham Road.

These roads are presently used by the Quarry’s traffic.

The **Brandy Hill Quarry** at Brandy Hill operated by the Hanson Group also uses

Clarence Town Road,

Brandy Hill Drive, and

Seaham Road,

Brandy Hill Quarry also has a state significant proposal before your Department (5899) and SEARs have been issued for it.

In this submission, all these roads are collectively called “the Roads”.

Both quarry operators have shown an intention to continue to use their respective routes in the event that their SSDs are approved.

Version 3 of the SEARs issued for the Project commands that

“In particular, the EIS must include:

...

– the likely interactions between the development and any other existing, approved or proposed extractive industry development in the vicinity of the site (such as the Brandy Hill Quarry);”

The EIS for the Project does not adequately or sufficiently address the *interactions* issue, considers it to be *background* and consequently does not satisfy the SEAR:

“It is acknowledged that there is a proposed expansion of the Brandy Hill Quarry that may result in future increases in background traffic. There has been limited information provided with regard to the Brandy Hill quarry expansion. It is understood the current weighbridge truck counts have been provided, however proposed haulage routes, split of demand for end products, or details on any increased truck movements have not been available to inform impact assessment as part of this EIS. It is understood that any trucks from the Brandy Hill Quarry are only likely to be background traffic from Bolwarra”.

The community representatives on the Community Consultation Committees for both quarries understood that there was to be positive liaison between the operators of both quarries to deal with the cumulative impacts of quarry traffic, but insofar as the Project is concerned that belief was wrongly formed.

At the 21/10/15 meeting of MCQCCC, Daracon promised that details of the combined traffic quarry traffic effects will be in the EIS and that Daracon last spoke to Hanson of Brandy Hill Quarry 3 months previously.

On the other hand, Hanson had earlier stated on 24/9/15 at the Brandy Hill CCC meeting that there was a scarcity of data from Daracon's MCQ concerning truck movements, deliveries, trips and weighbridge data.

There is a clear failure to address the interactions and cumulative impact of the heavy quarry vehicles using the Roads.

Notwithstanding that failure the EIS bravely states that *"The detailed mitigation measures proposed in the EIS have been developed to manage any likely cumulative effects ... will improve the environmental management of the current quarry operations and adequately address the likely cumulative impacts as a result of the proposed expansion."*

Question: How can there be mitigation measures for quarry traffic when there has been no detailed input as to the cumulative interactions of the traffic generated by the Quarry and the Brandy Hill quarry?

Even so, having regard to the public interest, the cumulative effect of both quarries' outputs of three million tonnes of product transported on these rural/residential roads is not, by any measure, appropriate.

2.1 The Traffic Impact Statement (TIA):

The TIA is dated August 2016. The data used to form conclusions are largely historical and relate to the years 2013 and 2014. The utility of that data, in the absence of more current data, is therefore limited and the conclusions derived from them similarly.

This submission deals with Route Two in the TIA.

Traffic Generation (TIA 4.1) postulates the future expansion could generate *a typical daily two-way rate of 336 trucks per day with an absolute peak of ...640 two way truck movements.*

Laden vehicle numbers out of the quarry would therefore be 168 and 320 per weekday respectively.

The TIA at 6.1 concludes that *"While the volume of material extracted over the year is proposed to increase, the hourly number of trucks associated with the development will not increase and will remain at the current rate of 40 trucks per hour inbound and outbound".*

The EIS, in its Conclusion, asserts

"However in response to strong community feedback, and given the current condition of the road network, it is proposed to reduce the proposed number of trucks to a maximum of 215 laden trucks

leaving the site per day, with a maximum peak rate of 40 laden trucks leaving the site per hour in the mornings”.

The point here is that the daily total laden truck numbers out of the site determined by the TIA are 168 while the EIS stipulates a reduction (?) to 215, in *response to strong community feedback*.

2.2 The traffic on the Roads has significantly increased since the data for one week beginning 17 July 2015 were collected by SECA solutions’ tube counters. This increase can be verified by the personal observations of residents. Moreover, given the proponent of the Project seeks to apportion the number of trucks using the Roads, VOWW submits that there is no guarantee that that apportionment will have any relevance IF the Quarry’s particular contract requires transport of product over the Roads.

2.3 The residents of Brandy Hill have great concerns for their safety when attempting to use Brandy Hill Drive. The TIA (2.4.4) maintains that the absence of footpaths and cyclist’s facilities reflects the *low traffic flows and demands by pedestrians or cyclists*.

But the overlooked fact is that most pedestrians and cyclists have avoided Brandy Hill Drive and other Roads in recent years because of the dangers presented by the heavy quarry traffic – trucks/dogs and the like. Traffic was much less prior to Daracon operating the Quarry, and gave cyclists a wide berth by crossing over the centre line in the absence of oncoming traffic. Also note that most of the Roads covered by the TIA do not have any shoulders and where they do exist, they are narrow and often very uneven or broken and very unsuitable for cyclists, a fact entirely overlooked in the EIS.

3. Rail:

The EIS’ “Plateway’s Rail Logistics Options for Martins Creek Quarry” concludes-

6.2 Recommendations In order to encourage the ongoing use of Martins Creek quarry by rail networks to supply ballast to the rail network, it is recommended that the practice of evening and night time train loading be reinstated which should enable the productivity of rail ballast distribution to double. To maintain the competitive position of the facility and enable future expansion of markets, consideration should be given to extending the sidings to allow for the operation of longer trains.

The EIS merely accepts the recommendation in general terms without firm commitment to increasing the transport of its products by rail to really mitigate the severe effects of road transport:

In general, rail dominance for the transport of aggregate materials in this region has declined over time with road delivery becoming the preferred method of transport, even for rail infrastructure projects. Nevertheless, the final design of the project will incorporate elements to facilitate additional rail haulage in the future should market conditions become more favourable

and, where possible, materials will be hauled by rail to limit the number of trucks on the local roads along the haul route.

Perhaps this is a reflection of the proponent's attitude to the transportation of its product voiced earlier at the CCC meeting on 1/12/15: Question as to rail usage. "Not much happening - rail usage not viable-cheaper by truck."

The question begged is: should the community suffer because of the drive for cost cutting and greater profit?

Further, as to transport of the Quarry's product by rail: community representatives at the CCC meeting of 19/8/15 sought any information as to access into Sydney market or tonnages into Hexham and were met with the response "commercial in confidence" and otherwise no answer at all.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 relevantly provides:

16 Transport

(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:

(a) require that some or all of the transport of materials in connection with the development is not to be by public road,

(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,

(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.

(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:

(a) each roads authority for the road, and

(b) the Roads and Traffic Authority (if it is not a roads authority for the road).

Note. Section 7 of the [Roads Act 1993](#) specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.

(3) The consent authority:

(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and

(b) must provide them with a copy of the determination.

(4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.

If one accepts that

- i. the road traffic generated by the quarry on the Roads is excessive, and
- ii. the proponent is fortunate to have ready access to the NSW rail system

then a legislative mechanism must be used to require the transport of the product

- i. by rail AND
- ii. limit OR
- iii. even preclude truck movements

so as not to obliterate what little remains of the amenity of the residents of the villages through which the Roads pass. If the cumulative impact of two quarry expansions is taken seriously, then the above is the most effective means of mitigating transport and amenity issues.

AMENITY

The Social and Economic Assessment attached to the EIS promotes employment opportunities, limited though they are, and ignores the **social impacts in the locality (s79C(1)(b) EP&A Act)**.

Apart from the township of Paterson, which is heavily impacted almost to solastalgia by road traffic, the other areas most impacted by the expansion of Martins Creek Quarry are predominantly rural/residential. People purchased their homes in these areas with promises of small acreage residential development reasonably close to pre-schools, schools, playing fields and parks; a place you could ride your horse or cycle and walk the dog. Some people set up horse riding arenas and gave riding lessons while others chose to breed and raise foals. Many residents embraced large gardens and outdoor entertaining areas. This lifestyle was achieved and accepted by all as the norm for the area and a thriving, closely bonded community ensued.

Unfortunately that lifestyle choice has almost evaporated with the continued expansion of both Martins Creek Quarry and Brandy Hill Quarry and no-one from either Daracon or Hanson has appreciated the detrimental impacts, or they have chosen to ignore the detriment to our public amenity and to our physical and mental health.

Since Daracon has become the operator of Martins Creek Quarry the volume of truck traffic has increased ten-fold throughout the area but in particular along Brandy Hill Drive and Seaham Road and associated urban locations when contracts are filled to the north and east. The “physical” presence of trucks is enormous, the noise relentless when 80 Daracon trucks and their contractors and clients are on

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the road per hour, sometimes driving in convoy. Remembering of course that there can be an equal number of Hanson related trucks on the road at the same time. Signs requiring drivers to limit engine braking has minimal effect, as the “cowboy” element has no respect for residents. Both quarries have admitted that they can only request respect from their contractors but can’t enforce it.

The uneven road surfaces cause the full trucks to rumble and grind while the empty ones clatter as they pass over the unevenly patched surface. After rain, in particular, deep potholes form and these are enlarged by the constant stream of trucks. There have been many reports of bent wheel rims, broken windscreens and other more serious damage to cars, until they are eventually patched by Council, adding further to the uneven pavement.

Noise has been a big factor in reducing the time people spend outside their homes and gardening has become unpleasant at times.

Residents of Brandy Hill Drive report that local garden club meetings can no longer be held “out the front”. You can’t speak on your mobile phone while in the yard and conversation with heavy truck traffic in the background can be frustrated. Even children’s playtime can be a problem. It is a fact that you rarely see children playing in their front yards at all anymore and you never see them on bicycles; parents drive children to badly planned bus stops, or find that too dangerous an alternative and so drive them straight to school; the usual passing parade of dogs being walked has all but ceased and exercising or walking for pleasure is no longer an option. At times it seems we are prisoners in our own homes.

Trucks are starting to head to Martins Creek much earlier in the mornings so they can start loading and leave the quarry again by 6:00am. Local residents along Brandy Hill Drive are beginning to complain about being woken by noisy trucks from as early as 5.30am. Shift workers complain about lack of sleep due to truck noise during the day. Sleep deprivation is a serious issue and must be addressed as such.

Here are some comments from local Brandy Hill and Seaham residents regarding safety along Brandy Hill Drive and Seaham Road:

- Can’t walk safely, nowhere to step off road when 2 trucks are passing.
- Trucks come close enough to ‘physically’ feel them brushing my clothes. My daughter wants me to stop walking.
- Intimidating trucks when riding my bike.
- Sometimes hard to leave my driveway safely.
- Can’t get my grandchildren across the road to the school bus stop.
- I have a mental health issue and was told by my specialist to walk regularly to help with recovery. Walking was a good choice and for 5 years I walked and talked with a friend every morning, 5 days per week. Then the excessive trucks began, it became too dangerous and we couldn’t hear each other. Now I have to drive somewhere to find a safer place to walk.
- I don’t see locals as they go by any more.
- There were so many trucks and the noise was unbearable.

- While I was working in my garden I became so distressed that I began to cry. Gardening is the one thing I do to get away from all the stress in my life.

Normally, the residents of Wallalong, Woodville, Seaham, Brandy Hill, Butterwick and Duns Creek regularly use the Roads. As a whole we have found it increasingly dangerous to use these roads and the businesses along them. Cracked car windscreens from stones that have fallen off trucks are common. Getting out of the car in front of a shop in Paterson is a problem when a Quarry truck passes by on the same side of the road. Paterson has no off street parking with only parallel parking beside the kerb in front of the shops, and there is no room to open a car door. Sitting outside at a café becomes distressing with the relentless truck noise and conversation may as well not take place.

The issues above have already had a significant detrimental impact on Paterson's businesses and property values, and also along Quarry haulage routes. The loss of accessibility to Paterson's businesses (supermarket, butcher, B&B/café, hotel, chemist etc), or worse, the closure of any of the businesses, would have a devastating impact on the amenity of the area.

The situation has so deteriorated that VOWW residents have proposed (in the event that the consent authority be disposed to consent to the development):

- No trucks in or out before 7am.
- Road surfaces must be reconstructed with better surface and shoulders.
- Safe off-road school bus stops are required along Brandy Hill Drive and Seaham Road, and in any residential areas that request them.
- Safer road intersections along Brandy Hill Drive, Clarencetown Road and Seaham Road and any other roads deemed unsafe for such large volumes of truck traffic.
- A dedicated off-road cycleway/footpath along Brandy Hill Drive to link Brandy Hill to the preschool on Seaham Road, to the major bus stop at Sophia Jane Drive/Seaham Road intersection and to the sporting fields at Brandon Park in the direction of Seaham and along any other roads through residential areas that are used by Daracon quarry trucks.
- Offer to build soundproof screens/fences (as often seen along highways) beside residential houses that are within metres of haul route roadways.

OTHER MATTERS

1. At the Martins Creek CCC meeting on 24/6/15 Daracon promised to exhibit a draft Voluntary Planning Agreement at the same time as the EIS, detailing works in kind, contributions or a tangible community asset that would be made available.

This promise also repeated at meeting of 22/7/15.

No VPA has surfaced as far as we are aware. We make two points on this matter:

- While we understand that there is common formula for road maintenance levies, in this case it must be significantly higher than standard due to the poor state of the existing roads.
- To date, the quarry has NOT paid any levy to any of the three councils! As a consequence, the councils have not been able to maintain, let alone construct, the local roads to a standard suitable for high volumes of heavy trucks.

2. The land holding of the proponent appears to be by way of sublease, and given the terms of the tenure by which the proponent holds possession of the quarry lands any rehabilitation of the lands after the end of production may be futile, given the inability of the enforcing body to enter the lands to effect remediation and rehabilitation.

3. Clause 17 of the above SEPP is worth considering in the light of the proponent's proposed staggered rehabilitation of the quarry:

17 Rehabilitation

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should:*
- (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
 - (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
 - (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the [Contaminated Land Management Act 1997](#)), or*
 - (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Given the Site Rehabilitation Plan attached to the EIS in para 1.2.1 states:

"The ongoing land-use of the site following the closure of has not yet been determined by the land owners. The subject site is leased for the operation of the quarry and the lease holders are not the same as the landowners."

if there is to be any consent at all there have to be conditions requiring:

- i. a rehabilitation plan to be approved by DoP for rehabilitation of pre- consent worked areas of the quarry (unnecessary for current production) **prior to** any permitted increased output, and a time period for that plan's submission specified;
- ii. rehabilitation to be carried out as per that approval to DoP's (or Dungog SC's) satisfaction, and a time period for that specified;
- iii. another rehabilitation plan for progressive rehab of new areas to be worked for the increased output, approved and a time period for getting that approval specified; and
- iv. that progressive rehabilitation to be carried out as per the consent and to DoP's (or council's satisfaction) in specified successive time periods (not "...that the rehabilitation plan be undertaken as the resource extraction areas in Lot 5 and 6 reach their extraction limits." As such, the rehabilitation works should be carried out earlier than sought, and more frequently, otherwise all output is to stop until each rehabilitation is carried out completely.
- v. the provision of security such as an irrevocable bank guarantee. The amount of security for performance of the rehabilitation should be linked to an estimate by a practising expert in the rehabilitation of extractive industry, having regard to the rehabilitation plan, with suitable annual increases in the amount of the security. If no guarantee, then no increased output /operations in the quarry until provided. Separate guarantees for each part of the rehabilitation work.
- vi. a report on the rehabilitation to be forwarded to the DoP annually, the report noting what was promised to be done; what has been done; and the cost of doing what ought to have been done but which has not.

4. The EIS states :

"The application proposes the consolidation of all existing approvals and operations on site under a single consent."

There are presently proceedings on foot in the Land and Environment Court to determine, amongst other things, the extent of the consents and licences under which Daracon/the proponent is purportedly operating. These proceedings should be determined before any determination is made on this SSD because how can the consent authority know what approvals exist for consolidation when they are under challenge?

CONCLUSION

VOWW respectfully requests that this submission receives favourable consideration by the consent authority.

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The adverse impacts of the proposal ought not be visited upon the Paterson and VOWW communities.

The proponent has had every opportunity to comply with the SEARs referred to above and has failed to do so, thereby making any real consideration of cumulative interactive impacts from both quarries impossible.

The present operations of the Quarry currently have a substantial negative impact on the health and well-being of the residents of those communities. Unless adequate restrictions and safeguards are in place an approval of the Project will only add to the significant adverse effects upon the health and well-being of the residents already suffered by the current operations of the Martins Creek quarry and Brandy Hill quarry.

While VOWW recognizes that there needs to be a balanced approach to this Project, any economic benefits that may arise from the proposal, with respect, do not outweigh the significant and severe social and economic impacts on the disadvantaged communities affected.

Yours faithfully,
Margarete Ritchie, Secretary

(on behalf of)
John Redman, President
Voice of Wallalong and Woodville